# REGISTER REMARKSTATE

#### INSIDE THIS ISSUE:

- Nursing Home Personal Protective Equipment (PPE) Requirements
- Meeting Space in Transitional Adult Homes
- Conduct and Safety of the Public in the Use of Terminals, Stations, and Trains Operated by Metro-North Commuter Railroad

State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 45 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 60 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

# For notices published in this issue:

- the 60-day period expires on October 11, 2020
- the 45-day period expires on September 26, 2020
- the 30-day period expires on September 11, 2020

# ANDREW M. CUOMO **GOVERNOR**

# **ROSSANA ROSADO** SECRETARY OF STATE

# NEW YORK STATE DEPARTMENT OF STATE

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The New York State Register (ISSN 0197 2472) is published weekly. Subscriptions are \$80 per year for first class mailing and \$40 per year for periodical mailing. The New York State Register is published by the New York State Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001. Periodical postage is paid at Albany, New York and at additional mailing offices.

POSTMASTER: Send address changes to NY STATE REGISTER, the Department of State, Division of Administrative Rules, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001





# Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online *Register* (www.dos.ny.gov) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 60-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making, and a 45-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after expiration of the public comment period.

The Administrative Regulations Review Commission (ARRC) reviews newly proposed regulations to examine issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission State Capitol Albany, NY 12247 Telephone: (518) 455-5091 or 455-2731

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KEY: (P) Proposal; (RP) Revised Proposal; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website (www.dos.ny.gov)

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# RULE MAKING ACTIVITIES

Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

AAM -the abbreviation to identify the adopting agency

o1 -the *State Register* issue number

96 -the year

on the Department of State number, assigned upon

receipt of notice.

E -Emergency Rule Making—permanent action

not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent

and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

# **Department of Civil Service**

# PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Jurisdictional Classification

I.D. No. CVS-32-20-00003-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

*Text of proposed rule:* Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Public Service, by increasing the number of positions of Special Assistant from 15 to 16

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov Public comment will be received until: 60 days after publication of this potice.

#### Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

#### Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

# Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

#### Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

# PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### **Jurisdictional Classification**

I.D. No. CVS-32-20-00004-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendices 1 and 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

**Purpose:** To classify positions in the exempt and the non-competitive classes

*Text of proposed rule:* Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Audit and Control, by increasing the number of positions of Assistant Counsel from 17 to 18 and Special Investment Officer from 80 to 92; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Audit and Control, by adding thereto the positions of Administrative Assistant 2 (2).

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building I, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov Public comment will be received until: 60 days after publication of this

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#### Regulatory Flexibility Analysis

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# Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

#### Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

# PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### **Jurisdictional Classification**

I.D. No. CVS-32-20-00005-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

*Text of proposed rule:* Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Westchester County Service under the subheading "Department of Law," by increasing the number of positions of Assistant Chief Deputy County Attorney from 3 to 4.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov Public comment will be received until: 60 days after publication of this

#### Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

#### Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

# Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

#### Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

# PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### **Jurisdictional Classification**

I.D. No. CVS-32-20-00006-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

*Text of proposed rule:* Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office of Indigent Legal Services," by increasing the number of positions of Special Assistant from 15 to 16.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.nv.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov Public comment will be received until: 60 days after publication of this notice.

#### Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

#### Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

#### Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

#### Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

# **Department of Health**

# EMERGENCY RULE MAKING

Nursing Home Personal Protective Equipment (PPE) Requirements

**I.D. No.** HLT-32-20-00001-E

Filing No. 462

**Filing Date:** 2020-07-22 **Effective Date:** 2020-07-22

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 415.19 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 2803; Executive Order No. 202

Finding of necessity for emergency rule: Preservation of public health.

Specific reasons underlying the finding of necessity: The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal. According to Johns Hopkins' Coronavirus Resource Center, to date, there have been over 3.4 million cases and over 240 thousand deaths worldwide, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

COVID-19 was found to be the cause of an outbreak of illness in Wuhan, Hubei Province, China in December 2019. Since then, the situation has rapidly evolved throughout the world, with many countries, including the United States, quickly progressing from the identification of travel-associated cases to person-to-person transmission among close contacts of travel-associated cases, and finally to widespread community transmission of COVID-19.

On January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and

had existed since January 27, 2020, nationwide. Subsequently, on March 13, 2020, President Donald J. Trump declared a national emergency in response to COVID-19, pursuant to Section 501(b) of the Robert T. Stafford

Disaster Relief and Emergency Assistance Act.

New York State first identified cases on March 1, 2020 and has since become the national epicenter of the outbreak. On March 7, 2020, with widespread transmission rapidly increasing within certain areas of the state, Governor Andrew M. Cuomo issued an Executive Order declaring a state disaster emergency to aid in addressing the threat COVID-19 poses to the health and welfare of New York State residents and visitors. With over 412,000 confirmed cases and over 32,000 deaths, as of July 13, 2020, which accounts for approximately 22% of all deaths nationwide, New York State is currently the most impacted state in the nation.

In order for nursing home staff to safely provide care for residents, while ensuring that they themselves do not become infected with COVID-19, or any other communicable disease, it is critically important that personal protective equipment (PPE), including masks, gloves, respirators, face shields and gowns, is readily available and are used. As a result of global PPE shortages, from the beginning of the COVID-19 outbreak New York State has provided nursing homes and other health care facili-

ties with PPE from the State's emergency stockpile.

Based on the foregoing, and pursuant to the Executive Order No. 202 issued on March 7, 2020, which permits the Commissioner to promulgate emergency regulations governing the operation of nursing homes, the Department has made the determination that this emergency regulation is necessary to ensure that all nursing homes acquire and maintain a 60-day supply of PPE, at rate of usage equal the average daily rate that PPE was used between April 19, 2020 and April 27, 2020, such that sufficient PPE is available in the event of a continuation or resurgence of the COVID-19 outbreak.

Subject: Nursing Home Personal Protective Equipment (PPE) Requirements.

**Purpose:** To ensure that all nursing homes maintain a 90-day supply of PPE during the COVID-19 emergency.

Text of emergency rule: Section 415.19 is amended by adding a new subdivision (f) as follows:

(f) (i) The facility shall possess and maintain a supply of all necessary items of personal protective equipment (PPE) sufficient to protect facility personnel, consistent with federal Centers for Disease Control guidance, for at least 30 days at rate of usage equal to the average daily rate that PPE was used between April 19, 2020 and April 27, 2020 by August 31, 2020, and for at least 60 days at a rate of usage equal to the average daily rate that PPE was used between April 19, 2020 and April 27, 2020 by September 30, 2020; provided, however, that upon request the Department may grant an extension of the deadline to have such sixty day supply to October 30, 2020, at its sole and exclusive discretion, to meet this requirement where the facility demonstrates, to the Commissioner's satisfaction, that:

(A) the facility's inability to meet this deadline is solely attributable to supply chain issues that are beyond the facility's control and purchasing PPE at market rates would facilitate price gouging by PPE vendors: or

(B) the seven-day rolling average of new COVID-19 infections in New York State remains below one and a half percent (1.5%) of the total seven-day rolling average of COVID-19 tests performed over the same period; and there are ten or less states in the United States that have a seven-day rolling average of new COVID-19 infections exceeding five thousand cases.

(ii) Failure to possess and maintain such a supply of PPE may result in the revocation or suspension of the facility's license; provided, however, that no such revocation or suspension shall be ordered unless the Department has provided the facility with a fourteen day grace period, solely for a facility's first violation of this section, to achieve compliance with the requirement set forth herein.

*This notice is intended* to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires October 19, 2020.

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqna@health.ny.gov

# Regulatory Impact Statement

Statutory Authority:

Section 2803 of the Public Health Law (PHL) authorizes the promulgation of such regulations as may be necessary to implement the purposes and provisions of PHL Article 28, including the establishment of minimum standards governing the operation of health care facilities.

Legislative Objectives:

The legislative objectives of PHL Article 28 include the protection and promotion of the health of the residents of the State by requiring the ef-

ficient provision and proper utilization of health services, of the highest quality at a reasonable cost.

Needs and Benefits:

The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal. According to Johns Hopkins' Coronavirus Resource Center, to date, there have been over 3.4 million cases and over 240 thousand deaths worldwide, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

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transmission of COVID-19.

On January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and had existed since January 27, 2020, nationwide. Subsequently, on March 13, 2020, President Donald J. Trump declared a national emergency in response to COVID-19, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

New York State first identified cases on March 1, 2020 and has since become the national epicenter of the outbreak. On March 7, 2020, with widespread transmission rapidly increasing within certain areas of the state, Governor Andrew M. Cuomo issued an Executive Order declaring a state disaster emergency to aid in addressing the threat COVID-19 poses to the health and welfare of New York State residents and visitors. With over 412,000 confirmed cases and over 32,000 deaths, as of July 20, 2020, which accounts for approximately 22% of all deaths nationwide, New York State is currently the most impacted state in the nation.

In order for a nursing home's staff to safely provide care for residents, while ensuring that they themselves do not become infected with COVID-19, or any other communicable disease, it is critically important that personal protective equipment (PPE), including masks, gloves, respirators, face shields and gowns, is readily available and are used. As a result of global PPE shortages, from the beginning of the COVID-19 outbreak New York State has provided nursing homes and other health care facilities with PPE from the State's emergency stockpile.

Based on the foregoing, and pursuant to the Executive Order No. 202 issued on March 7, 2020, which permits the Commissioner to promulgate emergency regulations governing the operation of nursing homes, the Department has made the determination that this emergency regulation is necessary to ensure that all nursing homes maintain a 60-day supply of PPE, at rate of usage equal the average daily rate that PPE was used between April 19, 2020 and April 27, 2020, such that sufficient PPE is available in the event of a continuation or resurgence of the COVID-19 outbreak.

Costs:

Costs to Regulated Parties:

The purpose of this regulation is to require nursing homes to maintain adequate stockpiles of PPE. The initial cost nursing homes as they establish stockpiles of PPE will vary depending on the number of staff working at each nursing home. However, nursing homes will soon be statutorily obligated to maintain or contract to have at least a two-month supply of PPE pursuant to Public Health Law section 2803(12); further, the federal Occupational Health and Safety Administration (OSHA) has recommended that nursing homes ensure that staff have access to sufficient PPE to perform their jobs safely, and employers are currently obligated to pay for personnel PPE pursuant to OSHA regulations at 29 CFR 1910.132(h). Therefore, this regulation imposes no long-term additional costs to regulated parties.

Costs to Local and State Governments:

This regulation will not impact local or State governments unless they operate a nursing home, in which case costs will be the same as costs for private entities.

Costs to the Department of Health:

This regulation will not result in any additional operational costs to the Department of Health.

Paperwork:

This regulation imposes no addition paperwork.

Local Government Mandates:

Nursing homes operated by local governments will be affected and will be subject to the same requirements as any other nursing home licensed under PHL Article 28.

Duplication:

These regulations do not duplicate any State or Federal rules.

Alternatives:

The Department believes that promulgation of this regulation is the most effective means of ensuring that nursing homes have adequate stockpiles of PPE necessary to protect nursing home staff from communicable diseases, compared to any alternate course of action.

Federal Standards:

No federal standards apply to stockpiling of such equipment at nursing homes.

Compliance Schedule:

The regulations will become effective upon filing with the Department of State. These regulations are expected to be proposed for permanent adoption at the next meeting of the Public Health and Health Planning Council following the termination of the COVID-19 emergency.

#### Regulatory Flexibility Analysis

Effect on Small Business and Local Government:

This regulation will not impact local governments or small businesses unless they operate a nursing home. Several nursing homes in New York qualify as small businesses given that they operate less than 100 beds.

Compliance Requirements:

These regulations require all nursing homes to purchase and maintain adequate stockpiles of PPE, including but not limited to masks, respirators, face shields and gowns.

Professional Services:

It is not expected that any professional services will be needed to comply with this rule.

Compliance Costs:

The purpose of this regulation is to require nursing homes to maintain adequate stockpiles of PPE. The initial cost to nursing homes as they establish stockpiles of PPE will vary depending on the number of staff working at each facility. However, nursing homes will soon be statutorily obligated to maintain or contract to have at least a two-month supply of PPE pursuant to Public Health Law section 2803(12); further, the federal Occupational Health and Safety Administration (OSHA) has recommended that nursing homes ensure that staff have access to sufficient PPE to perform their jobs safely, and employers are currently obligated to pay for personnel PPE pursuant to OSHA regulations at 29 CFR 1910.132(h). Therefore, this regulation imposes no long-term additional costs to regulated parties.

Economic and Technological Feasibility:

There are no economic or technological impediments to the rule changes.

Minimizing Adverse Impact:

As these regulations require nursing homes to maintain stockpiles of PPE, consistent with the directive in Public Health Law section 2803(12) for nursing homes to maintain or contract to have at least a two-month supply of PPE, as well as OSHA regulations and recommendations regarding the payment for and provision of PPE, any adverse impacts are expected to be minimal.

Small Business and Local Government Participation:

Due to the emergent nature of COVID-19, small business and local governments were not consulted.

#### Rural Area Flexibility Analysis

Type and Estimated Numbers of Rural Areas:

Although this rule applies uniformly throughout the state, including rural areas, for the purposes of this Rural Area Flexibility Analysis (RAFA), "rural area" means areas of the state defined by Exec. Law § 481(7) (SAPA § 102(10)). Per Exec. Law § 481(7), rural areas are defined as "counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, and programs and such other entities or resources found therein. In counties of two hundred thousand or greater population 'rural areas' means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein."

The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010:

Allegany County	Greene County	Schoharie County
Cattaraugus County	Hamilton County	Schuyler County
Cayuga County	Herkimer County	Seneca County
Chautauqua County	Jefferson County	St. Lawrence County
Chemung County	Lewis County	Steuben County
Chenango County	Livingston County	Sullivan County
Clinton County	Madison County	Tioga County

Columbia County	Montgomery County	Tompkins County
Cortland County	Ontario County	Ulster County
Delaware County	Orleans County	Warren County
Essex County	Oswego County	Washington County
Franklin County	Otsego County	Wayne County
Fulton County	Putnam County	Wyoming County
Genesee County	Rensselaer County	Yates County
	Schenectady County	

The following counties of have population of 200,000 or greater, and towns with population densities of 150 person or fewer per square mile, based upon the United States Census estimated county populations for 2010:

Albany County	Monroe County	Orange County
Broome County	Niagara County	Saratoga County
<b>Dutchess County</b>	Oneida County	Suffolk County
Erie County	Onondaga County	

Licensed nursing homes are located in these identified rural areas. Reporting, recordkeeping, and other compliance requirements; and professional services:

These regulations require all nursing homes, including those in rural areas, to purchase and maintain adequate stockpiles of PPE, including but not limited to masks, respirators, face shields and gowns.

Compliance Costs:

The purpose of this regulation is to require nursing homes to maintain adequate stockpiles of PPE. The initial cost to nursing homes as they establish stockpiles of PPE will vary depending on the number of staff working at each facility. However, nursing homes will soon be statutorily obligated to maintain or contract to have at least a two-month supply of PPE pursuant to Public Health Law section 2803(12); further, the federal Occupational Health and Safety Administration (OSHA) has recommended that nursing homes ensure that staff have access to sufficient PPE to perform their jobs safely, and employers are currently obligated to pay for personnel PPE pursuant to OSHA regulations at 29 CFR 1910.132(h). Therefore, this regulation imposes no long-term additional costs to regulated parties.

Economic and Technological Feasibility:

There are no economic or technological impediments to the rule changes.

Minimizing Adverse Impact:

As these regulations simply require nursing homes to maintain stockpiles of PPE, which is consistent with the directive in Public Health Law section 2803(12) for nursing homes to maintain or contract to have at least a two-month supply of PPE, as well as OSHA regulations and recommendations regarding the payment for and provision of PPE any adverse impacts are expected to be minimal.

Rural Area Participation:

Due to the emergent nature of COVID-19, parties representing rural areas were not consulted.

#### Job Impact Statement

A Job Impact Statement for these regulations is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.

# EMERGENCY RULE MAKING

#### Meeting Space in Transitional Adult Homes

I.D. No. HLT-32-20-00008-E

Filing No. 466

**Filing Date:** 2020-07-27 **Effective Date:** 2020-07-27

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 487.13 of Title 18 NYCRR.

Statutory authority: Social Services Law, section 461

Finding of necessity for emergency rule: Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: This proposal is immediately necessary to ensure full compliance with existing Transitional Adult Home regulations, which seek to promote resident access to providers who help residents consider and pursue community transition. Under the existing regulatory requirements, all adult home operators must "provide space for residents to meet privately with staff of the facility, visitors or other service providers" (18 NYCRR 487.11[1][12]), and Transitional Adult Home operators must "cooperate with the community transition coordinator, housing contractors, and health home and managed long-term care plan assessors and shall provide, without charge, space for residents to meet privately with such individuals or entities" (18 NYCRR 487.4[h]). In addition, 18 NYCRR 487.4(h) provides that "[t]he operator shall not attempt to influence or otherwise discourage individual residents from meeting" with those enumerated providers.

Despite these requirements, providers have reported to the Department that they have visited certain Transitional Adult Homes for the purpose of assisting residents considering or in the process of pursuing transition to the community and were unable to meet with residents in a space that allowed for private conversations. In several instances, providers have reported that residents have been discouraged from meeting with them due to the inability to meet in private. This proposal will establish criteria for a suitable private meeting space to help ensure that conversations are fully private, thereby allowing residents to adequately explore the services that would be available to them in the community without fear of being overheard or retaliated against by facility staff.

Full and immediate compliance with these regulatory requirements is necessary to ensure that care is provided in the most integrated settings, as required by Olmstead v. L.C., 527 U.S. 581 (1999) and as emphasized in Governor Cuomo's Executive Order No. 84.

Subject: Meeting Space in Transitional Adult Homes.

Purpose: Establish criteria for suitable meeting space to ensure privacy in conversations and submit a compliance plan to the Department.

Text of emergency rule: Paragraph (5) of subdivision (b) of section 487.13 is amended to read as follows:

(5)(i) Housing contractors means housing providers that have contracted with the Office of Mental Health to provide residents with information regarding housing alternatives and community services, assess residents to determine their housing and service needs and preferences, and make community housing available to residents pursuant to such contracts

(ii) Peer bridger agencies mean agencies that have contracted with the Office of Mental Health to provide residents with access to peer bridgers. Peer bridgers are individuals employed by, or whose services have otherwise been retained by, peer bridger agencies, and who use their training and experience to provide mentoring and support to residents considering community transition.

Subdivision (h) of section 487.13 is amended to read as follows:

(h) The operator shall cooperate with the community transition coordinator, housing contractors, [and] peer bridger agencies, care managers, health [home] homes, and managed long-term care [plan assessors] plans and shall provide, without charge, space for residents to meet privately with such individuals or entities. The operator shall not attempt to influence or otherwise discourage individual residents from meeting with such entities and individuals.

New subdivisions (i) and (j) are added to section 487.13 to read as follows:

- (i) Space provided for meetings with providers defined in this section shall be:
  - (1) a minimum of 160 square feet;
  - (2) above grade level;
- (3) adequately lighted and ventilated and meet the temperature requirements of subdivision (m) of section 487.11;
- (4) with a door that closes to ensure conversations held within the space are private and that outside disruptions are minimized;
- (5) space separate and distinct from an occupied or reserved resident room or space used primarily for storage; and
  - (6) space that is not under surveillance by adult home staff.
- (j) Upon request from the Department, operators shall be required to submit a plan to the Department, in the form and format prescribed by the Department, explaining how the operator will meet the space requirements set forth in subdivision (i) of this section. Operators shall have 30 calendar days to submit such plan from the date of the Department's request. The operator shall implement the plan upon approval by the Department.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the State Register at some future date. The emergency rule will expire October 24, 2020.

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqna@health.ny.gov

#### Regulatory Impact Statement

Statutory Authority: Social Services Law (SSL) section 461(1) requires the Department of Health (Department) to promulgate regulations establishing general standards applicable to adult care facilities.

Legislative Objectives:

The legislative objective of SSL section 461 is to promote the health and well-being of adults residing in adult care facilities.

Needs and Benefits:

The proposed regulatory changes are necessary to bring Transitional Adult Homes into full compliance with current regulations at Title 18 of the New York Codes, Rules and Regulations (NYCRR), Part 487, which seek to promote resident access to service providers specializing in promoting community transition. A Transitional Adult Home is an adult home with a certified capacity of 80 or more beds in which 25 percent or more of the resident population are persons with serious mental illness (see 18 NYCRR 487.13[b][1]). Persons with serious mental illness are individuals who meet criteria established by the commissioner of mental health, which shall be persons who have a designated diagnosis of mental illness" and "whose severity and duration of mental illness results in substantial functional disability" (18 NYCRR 487.2[c]).

Specifically, Transitional Adult Home operators are required under 18 NYCRR 487.13(h) to cooperate with providers seeking to meet with residents to discuss "community services," defined in 18 NYCRR 487.13(b)(3) as "services and supports provided in New York State that assist individuals with mental illness to live in the community." Transitional Adult Home operators must also "cooperate with the community transition coordinator, housing contractors, and health home and managed long-term care plan assessors and shall provide, without charge, space for residents to meet privately with such individuals or entities. The operator shall not attempt to influence or otherwise discourage individual residents from meeting with such entities and individuals" (18 NYCRR 487.13[h]). Further, all adult homes-including Transitional Adult Homes-must "provide space for residents to meet privately with staff of the facility, visitors or other service providers" (18 NYCRR 487.11[1][12]).

Despite these existing regulations, service providers have reported to the Department that they have visited certain Transitional Adult Homes for the purpose of assisting residents considering community transition, or who are in the process of such transition, and were unable to meet with residents in a space that allowed for private conversations, pursuant to the requirements of 18 NYCRR 487.13(h). In several instances, providers have reported that residents have been discouraged from meeting with them due to the inability to meet privately.

To address these concerns from service providers and ensure that Transitional Adult Homes are meeting regulatory requirements, this proposal will establish criteria for suitable meeting space that will permit private conversations, allowing residents to explore or pursue community transition without fear of being overheard or retaliated against by facility staff. For clarity for all stakeholders, this proposal will also update the definitions set forth in 18 NYCRR 484.13(b), which identify the service providers who may meet with residents to discuss community services. Specifically, the proposal will update the existing definition of "housing contractors" to provide that such agencies also assess residents for housing and other services that residents would need in the community. In addition, the proposal will add a definition of Peer Bridger agencies, which are contracted by the Office of Mental Health to establish mentoring relationships with residents and help answer questions they may have about community transition.

By strengthening compliance with existing regulations that seek to promote resident access to community transition service providers, this proposal will protect resident health, safety, and well-being. This proposal is thus consistent with the legislative objectives of SSL section 461(2) and with the State's overall efforts to ensure that care is provided in the most integrated settings, as required by Olmstead v. L.C., 527 U.S. 581 (1999), and as emphasized in Governor Cuomo's Executive Order No. 84.

Costs:

Costs to Private Regulated Parties:

Transitional Adult Homes are already required by existing regulations to make space available so that residents may meet privately with providers. The proposed regulation seeks only to delineate criteria that will ensure that Transitional Adult Homes are meeting the current regulatory requirements to provide private space for service provider meetings regarding community transition and to not discourage individual residents from attending such meetings. It is possible that a Transitional Adult Home may decide to create a dedicated meeting space that fits the criteria outlined in the proposed regulation by requesting to decertify a room that would otherwise be occupied by residents and foregoing the revenue for that room. However, the regulation does not expressly direct such action, and it is incumbent upon an operator to comply with all existing regulations, including the current requirement to make space available for residents to meet privately with providers. This proposal merely clarifies what constitutes adequate space for private meetings and thus does not directly impose new costs upon Transitional Adult Homes.

Costs to Local Government:

This proposal will not impact local governments unless they operate Transitional Adult Homes, in which case the impact would be the same as outlined above for private parties.

Costs to the Department of Health:

The Department will utilize existing resources to request, review and approve plans delineating how Transitional Adult Homes will comply with the proposed regulations and to monitor compliance with the approved plan.

Costs to Other State Agencies:

The proposed regulatory changes will not result in any additional costs to other state agencies.

Local Government Mandates:

Local governments that operate Transitional Adult Homes must comply with this regulation. No new local government program, project or activity is required by the proposed regulations.

Paperwork:

The proposed regulatory changes require that upon the request of the Department, Transitional Adult Home operators will have 30 days to submit a plan to the Department explaining how the operator will meet the space requirements.

Duplication:

These regulatory amendments do not duplicate existing State or federal requirements.

Alternatives:

The Department found no viable alternatives to incentivize full compliance with existing regulations absent a regulatory amendment defining what constitutes adequate space for service provider meetings regarding community transition. Doing nothing is also not a viable option, given the ongoing violations of 18 NYCRR 487.4(h) and concerns that residents' rights to explore community transition were being infringed.

Federal Standards:

The proposed regulations do not duplicate or conflict with any federal regulations.

Compliance Schedule:

The regulations will be effective on an emergency basis upon filing with the Secretary of State.

# Regulatory Flexibility Analysis

Effect of Rule:

The proposed regulatory changes will affect Transitional Adult Homes that constitute small businesses or are operated by local governments. At present, according to data available at healthdata.ny.gov, there are 37 Transitional Adult Homes.

Compliance Requirements:

This proposal will build upon the existing requirements of 18 NYCRR 487.11(I)(12), which provides that all adult home operators must "provide space for residents to meet privately with staff of the facility, visitors or other service providers," and 18 NYCRR 487.4(h), which provides that Transitional Adult Home operators "shall cooperate with the community transition coordinator, housing contractors, and health home and managed long-term care plan assessors and shall provide, without charge, space for residents to meet privately with such individuals or entities." This proposal will establish criteria for suitable meeting space that will permit such private conversations to occur, and it will require Transitional Adult Home operators to submit a plan to the Department, upon the request and subject to the approval of the Department, to explain how such requirements will be met.

Professional Services:

Small businesses will need no additional professional services to comply with the proposed regulatory changes.

Costs to Private Regulated Parties:

Transitional Adult Homes are already required by existing regulations to make space available so that residents may meet privately with providers. The specific criteria outlined in the proposed regulation define what was already required under the existing regulations - that the space be adequate to permit privacy in conversations about community transition and not be conducive to efforts to discourage individual residents from meeting with those providers. This proposal merely clarifies what constitutes sufficient space for private meetings and thus does not impose new costs upon Transitional Adult Homes. It is possible that a Transitional Adult Home may decide to create a dedicated meeting space that fits the criteria outlined in the proposed regulation by requesting to decertify a room that would otherwise be occupied by residents and foregoing the receipt of revenue for that room. However, the regulation does not direct such action, and it is incumbent upon an operator to comply with all existing regulations, including the requirement to make space available for residents to meet privately with providers.

Costs to Local Government:

This proposal will not impact local governments unless they operate Transitional Adult Homes, in which case the impact would be the same as outlined above for private parties.

Economic and Technological Feasibility:

This proposal will not impose any economic or technological compliance burdens. It is possible that a Transitional Adult Home may decide to create a dedicated meeting space that fits the criteria outlined in the proposed regulation by decertifying a room that would otherwise be occupied by residents and foregoing the revenue for that room. However, as noted above, operators were already responsible for making space available for residents to meet privately with providers under existing regulations; therefore, any associated costs are not new, and are not directly imposed by this regulation.

Minimizing Adverse Impact:

The Department will work with Transitional Adult Homes to ensure that they are aware of the requirements, including issuing administrative guidance.

Small Business and Local Government Participation:

Small business and local governments were not consulted during the creation of this proposed rule; however, small businesses and local governments will be able to submit public comments during the public comment period of the proposed regulation.

#### Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

This rule applies uniformly throughout the state, including rural areas. Rural areas are defined as counties with a population less than 200,000 and counties with a population of 200,000 or greater that have towns with population densities of 150 persons or fewer per square mile. The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010 (http://quickfacts.census.gov). At present, two Transitional Adult Homes are located in one of these counties.

Allegany County	Greene County	Schoharie County
Cattaraugus County	Hamilton County	Schuyler County
Cayuga County	Herkimer County	Seneca County
Chautauqua County	Jefferson County	St. Lawrence County
Chemung County	Lewis County	Steuben County
Chenango County	Livingston County	Sullivan County
Clinton County	Madison County	Tioga County
Columbia County	Montgomery County	Tompkins County
Cortland County	Ontario County	Ulster County
Delaware County	Orleans County	Warren County
Essex County	Oswego County	Washington County
Franklin County	Otsego County	Wayne County
Fulton County	Putnam County	Wyoming County
Genesee County	Rensselaer County	Yates County
	Schenectady County	

The following counties have a population of 200,000 or greater and towns with population densities of 150 persons or fewer per square mile. Data is based upon the United States Census estimated county populations for 2010. At present, six Transitional Adult Homes are located in one of these counties.

Albany County	Monroe County	Orange County
Broome County	Niagara County	Saratoga County
Dutchess County	Oneida County	Suffolk County
Erie County	Onondaga County	

Reporting, Recordkeeping, and Other Compliance Requirements; and Professional Services:

This proposal will build upon the existing requirements of 18 NYCRR 487.11(l)(12), which provides that all adult home operators must "provide space for residents to meet privately with staff of the facility, visitors or other service providers," and 18 NYCRR 487.4(h), which provides that Transitional Adult Home operators "shall cooperate with the community transition coordinator, housing contractors, and health home and managed long-term care plan assessors and shall provide, without charge, space for residents to meet privately with such individuals or entities." This proposal will establish criteria for suitable meeting space that will permit such private conversations to occur, and it will require Transitional Adult

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Home operators to submit a plan to the Department, upon the request and subject to the approval of the Department, to explain how such require-

Transitional Adult Homes are already required by existing regulations to make space available so that residents may meet privately with providers. The specific criteria outlined in the proposed regulation define what was already required under the existing regulations – that the space be adequate to permit privacy in conversations about community transi-tion and not be conducive to efforts to discourage individual residents tion and not be conducive to efforts to discourage individual residents from meeting with those providers. It is possible that a Transitional Adult Home may decide to create a dedicated meeting space that fits the criteria outlined in the proposed regulation by requesting to decertify a room that would otherwise be occupied by residents and foregoing the receipt of revenue for that room. However, it is incumbent upon an operator to comply with all existing regulations, and Transitional Adult Home operators are already responsible under existing regulations for making space available for residents to meet privately with providers. This proposal merely clarifies what constitutes sufficient space for private meetings and thus does not impose new costs upon Transitional Adult Homes.

Minimizing Adverse Impact:

The Department will work with Transitional Adult Homes to ensure

The Department will work with Transitional Adult Homes to ensure that they are aware of the requirements, including issuing administrative guidance, as necessary. Rural Area Participation:

The Transitional Adult Homes located in rural areas will be able to submit public comments during the public comment period for the proposed rule.

# Job Impact Statement

A Job Împact Statement for the proposed regulatory amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.

# **EMERGENCY/PROPOSED RULE MAKING** NO HEARING(S) SCHEDULED

#### **Controlled Substances**

I.D. No. HLT-32-20-00002-EP

Filing No. 463

Filing Date: 2020-07-23 **Effective Date: 2020-07-23** 

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Amendment of section 80.3 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 3307

Finding of necessity for emergency rule: Preservation of public health. Specific reasons underlying the finding of necessity: Compliance with the requirements of the State Administrative Procedure Act for filing of a regulation on a non-emergency basis including the requirement for a period of time for public comment would be detrimental to the health and general welfare of individuals who suffer from treatment resistant epileptic seizures who need to access FDA approved medications that no longer meet the legal definition of a controlled substance under New York law. With this regulatory change, patients receiving these medications can be issued a prescription for up to one year and can easily transfer their prescription between pharmacies.

Subject: Controlled Substances.

Purpose: To ensure access to medicine that was formerly classified as a controlled substance.

Text of emergency/proposed rule: Pursuant to the authority vested in the Commissioner of Health by section 3307 of the Public Health Law (PHL), Section 80.3 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is hereby amended, to be effective upon publication of a Notice of Adoption in the State Register, to read as follows:

Subdivision (b) of Section 80.3 is amended to read as follows:

(b) Reclassifications. [(1)] The following drugs listed in schedule II(c) of section 3306 of the Public Health Law are hereby reclassified as schedule III substances.

TRADE NAME OR OTHER DESIGNATION COMPOSITION

MANUFACTURER OR SUPPLIER

Mediatrictablets, capsules and liquid

Tablet and capsule: Conjugated estrogens-equine (Premarin (R)), 0.25 mg.; Methyltestosterone, 2.5 mg.; Ascorbic Acid (Vit. C), 100 mg. (for capsules, provided as ascorbic acid, 70 mg. and as Sodium ascorbate, 30 mg.); Cyanocobalamin, 2.5 mcg Thiamine mononitrate, 10.0 mg.; Riboflavin, 5.0 mg.;

Niacinamide, 50.0 mg.; Pyridoxine HCl, 3.0 mg.; Calc. panto thenate, 20.0 mg.; Ferrous sulfate exsic., 30.0 mg Methamphetamine HČl, 1.0 mg. Liquid: Premarin (R) Conjugated estrogens, (U.S.P.), 0.25 mg.; Methyltestosterone, 2.5 mg.; Thiamine HCl, 5.0 mg.; Cyanocobalamin, 1.5 mcg. Methamphetamine HCl, 1.0 mg.;

Alcohol, 15%.

Phelantin-Phenobarbital (1/2 gr) 30 mg.; Dilantin (Diphenyl-hydantoin) Kapseals

(1-1/2 gr) 100 mg.; Methamphetamine Hydrochloride 2.5 mg. Parke-Davis

[(2) The following drug classified under schedule I of section 3306 of the Public Health Law is hereby reclassified as a schedule V substance: a drug product in finished dosage formulation that has been approved by the U.S. Food and Drug Administration that contains cannabidiol (2-[IR-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols.]

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqna@health.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

#### Regulatory Impact Statement

Statutory Authority:

The Commissioner of Health is authorized pursuant to Section 3307(5) of the Public Health Law (PHL) to reclassify, by regulation or emergency regulation, any compound, mixture or preparation containing any substance listed as a schedule I substance, to a schedule II, III, IV or V substance, if that same compound, mixture or preparation is redesignated or rescheduled other than under schedule I under the federal Controlled Substance Act or deleted under the federal Controlled Substances Act.

Legislative Objectives:

Section 3307(5) of the Public Health Law permits the Commissioner to respond quickly and flexibly to actions by the U.S Drug Enforcement Administration that reclassify scheduled substances, particularly in circumstances where a new medical use of a scheduled substance has been approved by the U.S. Food and Drug Administration and is permitted as a result of the reclassification. The purpose of this statute is to ensure that patients in New York can have access to medication that would otherwise be prohibited under the Public Health Law.

Needs and Benefits:

In May 2019, the Commissioner reclassified as a Schedule V controlled substance "a drug product in finished dosage formulation that has been approved by the U.S. Food and Drug Administration that contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5pentyl-1,3-benzenediol) derived from cannabis and no more than 0.10 percent (w/w) residual tetrahydrocannabinols." This was in response to the U.S. Drug Enforcement Administration issuing a final order placing certain drug products that have been approved by the U.S. Food and Drug Administration and which contain cannabidiol (CBD) derived from cannabis and no more than 0.1 percent tetrahydrocannabinols in schedule V of the Controlled Substances Act.

On January 23, 2020, Governor Andrew Cuomo signed into law Chapter One of the Laws of 2020 which, in part, amends the Public Health Law § 3302(21) definition of "marihuana" to specifically exclude, among other things, "hemp", "cannabinoid hemp", and "hemp extract" as those terms are defined in Agriculture & Markets Law § 505(1) and Public Health Law § 3398(2), and (5), respectively. Agriculture & Markets Law § 505(1) defines "hemp" as follows:

'Hemp' means the plant Cannabis sativa L. and any part of such plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of a percent on a dry weight basis.

Public Health Law § 3398(2) defines "cannabinoid hemp" as follows: "Cannabinoid hemp" means any hemp and any product processed or derived from hemp, that is used for human consumption provided that when such product is packaged or offered for retail sale to a consumer, it shall not have a concentration of more than three tenths of a percent delta-9 tetrahydrocannabinol.

Public Health Law § 3398(5) defines "hemp extract" as follows:

"Hemp extract" means all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers derived from hemp, used or intended for human consumption, for its cannabinoid content, with a delta-9 tetrahydrocannabinol concentration of not more than an amount determined by the department in regulation. For the purpose of this article, hemp extract excludes (a) any food, food ingredient or food additive that is generally recognized as safe pursuant to federal law; or (b) any hemp extract that is not used for human consumption. Such excluded substances shall not be regulated pursuant to the provisions of this article but are subject to other provisions of applicable state law, rules and regulations.

This new legislation, therefore, supersedes 10 NYCRR § 80.3's reclassification of "a drug product in finished dosage formulation that has been approved by the U.S. Food and Drug Administration that contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols" as a Schedule V controlled substance. Hence, under New York State law, it is no longer a controlled

On March 20, 2020, U.S. Drug Enforcement Administration confirmed that the drug that goes by the trade name Epidiolex has been federally descheduled and that it is no longer subject to the Federal Controlled Substances Act. Additionally, the U.S. Drug Enforcement Administration also confirmed that if the drug's active pharmaceutical ingredient is cannabisderived material (to include hemp) that contains no more than 0.3% delta-9-THC on a dry weight basis, that material would also not be considered a controlled substance.

As a result of the New York State legislation and the Federal descheduling action, "a drug product in finished dosage formulation that has been approved by the U.S. Food and Drug Administration that contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5pentyl-1,3-benzenediol) derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols" is not a controlled substance under either New York State or Federal law. Removal of the applicable section of 10 NYCRR 80.3 renders it consistent with controlling New York State law, and Federal law.

Costs to the Regulated Entity:

The Department of Health (Department) does not anticipate any additional costs to regulated entities.

Costs to State and Local Government:

This regulation does not require the State or local governments to perform any additional tasks; therefore, it is not anticipated to have an adverse fiscal impact on either the State or local governments.

Costs to the Department of Health:

The Department does not anticipate any additional costs.

Local Government Mandates:

This amendment does not impose any new programs, services, duties or responsibilities on local government.

Paperwork:

The Department does not anticipate any change in required paperwork by the adoption of this amendment.

Duplication:

No relevant rules or legal requirements of the State government duplicate or conflict with this rule. The amendment reflects federal reclassification of FDA approved cannabidiol substances.

An alternative to this regulatory amendment would be to leave a superseded and contradictory regulation in place. By not removing it, however, health care practitioners would be confused by the direct conflict between state statute and contradictory state regulation, their prescribing practices might be curtailed, and patients in New York state would face additional administrative burdens to access from these medications. Leaving the regulation in place would also create greater confusion among law enforcement agencies as they attempt to determine which rules apply to applicable substances.

Federal Standards:

In April 2020, the U.S. Drug Enforcement Administration removed U.S. Food and Drug Administration approved cannabidiol products from the federal schedule of controlled substances. This regulatory amendment is consistent with that change.

Compliance Schedule:

There is no compliance schedule imposed by these amendments, which shall be effective upon publication of a Notice of Adoption in the State

#### Regulatory Flexibility Analysis

No Regulatory Flexibility Analysis is required pursuant to section 202b(3)(a) of the State Administrative Procedure Act. The regulation does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments.

#### Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because amendments will not impose any adverse impact or significant reporting, record keeping or other compliance requirements on public or private entities in rural areas. There are no other compliance costs imposed on public or private entities in rural areas as a result of the amendments.

#### Job Impact Statement

No Job Impact Statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act. No adverse impact on jobs and employment opportunities is expected as a result of these proposed regulations.

# **EMERGENCY/PROPOSED RULE MAKING** NO HEARING(S) SCHEDULED

Upper Payment Limit (UPL) Rate Add-Ons

I.D. No. HLT-32-20-00007-EP

Filing No. 464

Filing Date: 2020-07-24 **Effective Date: 2020-07-24** 

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Amendment of Subparts 86-1 and 86-8 of Title 10 NYCRR.

Statutory authority: Public Health Law, sections 2807-c(35)(b)(iv)(a) and 2807(2-a)(e)(iv)

Finding of necessity for emergency rule: Preservation of public health.

Specific reasons underlying the finding of necessity: The proposed amendments implement an Upper Payment Limit rate add-on for both inpatient and outpatient rates in Public Health Law Sections 2807c(35)(b)(iv-a) and 2807(2-a)(e)(iv).

Public Health Law Section 2807-c(35)(b) and Section 2807(2-a)(e)(i) provide the Commissioner of Health with authority to issue emergency regulations. These regulations are required in order to convert Upper Payment Limit (UPL) payments for eligible general government hospitals in a city with a population over one million and not operated by the State of New York or the State University of New York into inpatient and outpatient rate add-ons

Subject: Upper Payment Limit (UPL) Rate Add-ons.

Purpose: To include UPL rate add-ons in the rates of payment for acute, specialty long term care acute and emergency department services.

Text of emergency/proposed rule: Section 86-1.20 of 10 NYCRR is amended by adding a new subdivision (d) to read as follows:

(d) For dates of service occurring on or after April 1, 2020 through December 31, 2020, and each calendar year thereafter, an Upper Payment Limit (UPL) payment per discharge shall be added to the case payment rates after the application of SIW and WEF adjustments to the statewide base price (hereinafter, "add-ons"). Such add-ons shall only apply to eligible public general hospitals or public health systems, other than those operated by the state of New York or the state university of New York, located in a city having a population of one million or more and

shall be in lieu of any aggregate UPL payment. Such add-ons shall be calculated for each hospital by dividing the hospital's latest approved UPL demonstration payment, by its Medicaid fee-for-service acute discharges, as reported in its most recently submitted Institutional Cost Report. Each hospital's add-on shall be subject to and contingent upon the terms of a binding memorandum of understanding executed between the Department of Health and the public general hospital or public health system receiving an add-on, and shall be subject to termination or adjustment based on the terms of that agreement. The total amount paid for the add-on shall be included in the applicable annual UPL demonstration. If the annual UPL demonstration yields an amount that is more or less than the aggregate amount paid for the add-on, the add-on shall be adjusted to reflect the demonstration amount.

Section 86-1.23 of 10 NYCRR is amended by adding a new paragraph

(3) to subdivision (e) to read as follows:

(3) to subdivision (e) to read as follows:

(3) For dates of service occurring on or after April 1, 2020 through December 31, 2020, and each calendar year thereafter, an Upper Payment Limit (UPL) payment per diem shall be added to the specialty long term acute care hospital rates (hereinafter "add-ons"). Such add-ons shall only apply to eligible public general hospitals or public health systems, other than those operated by the state of New York or the state university of New York, located in a city having a population of one million or more and shall be in lieu of any aggregate UPL payment. Such add-ons shall be calculated for each hospital by dividing the hospital's latest approved UPL demonstration payment, by its Medicaid fee-forservice specialty hospital days, as reported in its most recently submitted Institutional Cost Report. Each hospital's rate add-on shall be subject to and contingent upon the terms of a binding memorandum of understanding executed between the Department of Health and the public general hospital or public health system receiving an add-on, and shall be subject to termination or adjustment based on the terms of that agreement. The total amount paid for the add-on shall be included in the applicable annual UPL demonstration. If the annual UPL demonstration yields an amount that is more or less than the aggregate amount paid for the addon, the add-on shall be adjusted to reflect the demonstration amount.

Section 86-8.4 of 10 NYCRR is being amended as follows: Section 86-8.4 Capital cost reimbursement and rate add-ons

(a) A capital cost component shall be added to Medicaid payments made pursuant to this Subpart and computed in accordance with the following:

[(a)](1) The computation of the capital cost component for payments for general hospital outpatient and emergency services shall remain subject to otherwise applicable statutory provisions as set forth in subparagraphs (i) and (ii) of paragraph (g) of subdivision 2 of section 2807 of the public

(b)](2) The computation of the capital cost component for payments for diagnostic and treatment center services shall remain subject to otherwise applicable statutory provisions as set forth in paragraph (b) of subdivision 2 of section 2807 of the public health law.

(c)](3) The computation of the capital cost component for payments (C)](3) The computation of the capital cost component for payments for ambulatory surgery services provided by hospital-based and free-standing ambulatory surgery centers shall be the result of dividing the total amount of capital cost reimbursement paid to such facilities pursuant to Section 86-4.40 of this Title for the 2005 calendar year for the Upstate Region and for the Downstate Region and then dividing each such regional total amount by the total number of claims paid pursuant to such Section total amount by the total number of claims paid pursuant to such Section 86-4.40 within each such region for the 2005 calendar year.

(b) For dates of service occurring on or after April 1, 2020 through December 31, 2020, and each calendar year thereafter, an Upper Payment Limit (UPL) payment per visit shall be added to emergency department rates (hereinafter, "add-ons"). Such add-ons shall only apply to public general hospitals or public health systems, other than those operated by the state of New York or the state university of New York, located in a city having a population of one million or more and shall be in lieu of any aggregate UPL payments. Such add-ons shall be calculated for each hospital by dividing the hospital's latest approved UPL demonstration payment by its Medicaid fee-for-service emergency department visits, as reported in its most recently submitted Institutional Cost Report. Each hospital's add-ons shall be subject to and contingent upon the terms of a binding memorandum of understanding executed between the Department of Health and the public general hospital or public health system receiving an add-on, and shall be subject to termination or adjustment based on the terms of that agreement. The total amount paid for the add-on shall be included in the applicable annual UPL demonstration. If the annual UPL demonstration yields an amount that is more or less than the aggregate amount paid for the add-on, the add-on shall be adjusted to reflect the demonstration amount

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire October 21, 2020.

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqna@health.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

Statutory Authority:

The statutory authority for this regulation is contained in Sections 2807-c(35)(b)(iv-a) and 2807(2-a)(e)(iv) of the Public Health Law (PHL), as

added as part of the State Fiscal Year.

2020-21 Budget, as well as Section 2807-c(35)(b) and Section 2807(2-a)(e)(i) which, respectively, authorize the Commissioner to promulgate regulations, including emergency regulations, regarding Medicaid reimbursement rates for hospital inpatient and outpatient services. Such rate regulations are set forth in Subpart 86-1 of Title 10 (Health) of the Official Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR).

Legislative Objectives:

The legislative objective is to convert inpatient and outpatient Upper Payment Limit (UPL) payments to rate add-ons for eligible general government hospitals in a city with a population over one million and not operated by the State of New York or the State University of New York.

Needs and Benefits:

Converting UPL payment to rate add-ons is part of an initiative to strengthen the New York City Health and Hospitals Corporation (H+H). The current annual UPL demonstrations for inpatient and outpatient payments require State Plan Amendment approvals from the Centers for Medicare and Medicaid (CMS) before the UPL payments can be made to hospitals. By converting the UPL payments to rate add-ons for H+H hospitals, the delays associated with waiting for CMS approval are eliminated and results in improved cash flow to these safety net facilities.

Costs:

Costs to Private Regulated Parties:

There will be no additional costs to private regulated parties.

Costs to State Government:

There is no cost to State Government for this proposed regulation.

Costs of Local Government:

There is no cost to Local Government for this proposed regulation.

Costs to the Department of Health:

There will be no additional costs to the Department of Health as a result of this proposed regulation.

Local Government Mandates:

The proposed regulation does not impose any new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district.

Paperwork:

No additional paperwork is required of providers.

Duplication:

This regulation does not duplicate any existing federal, state or local government regulation.

Alternatives:

The Department of Health could have chosen to continue making aggregate UPL payments to the H+H hospitals, but the proposed method provides improved cash flow and is consistent with recent amendments to Public Health Law

Federal Standards:

The proposed regulation does not exceed any minimum standards of the federal government for the same or similar subject areas.

Compliance Schedule:

Public Health Law requires the Department to convert inpatient and outpatient UPL payments for eligible public hospitals to rate add-ons, in lieu of aggregate payments, for services effective April 1, 2020.

#### Regulatory Flexibility Analysis

No Regulatory Flexibility Analysis is required pursuant to section 202(b)(3)(a) of the State Administrative Procedure Act. The proposed regulations do not impose an adverse economic impact on small businesses or local governments, and they do not impose reporting, record keeping or other compliance requirements on small businesses or local governments.

#### Rural Area Flexibility Analysis

No Rural Area Flexibility Analysis is required pursuant to section 202bb(4)(a) of the State Administrative Procedure Act. The proposed regulations do not impose an adverse impact on facilities in rural areas, and they do not impose reporting, record keeping or other compliance requirements on facilities in rural areas.

#### Job Impact Statement

A Job Impact Statement is not required pursuant to Section 201-a(2)(a) of the State Administrative Procedure Act. The proposed rule will not have a substantial adverse impact on jobs or employment opportunities, nor does it have adverse implications for job opportunities.

# **Long Island Railroad Company**

# EMERGENCY RULE MAKING

Conduct and Safety of the Public in the Use of Terminals, Stations and Trains Operated by the Long Island Railroad Company

**I.D. No.** LIR-20-20-00005-E

Filing No. 465

**Filing Date:** 2020-07-27 **Effective Date:** 2020-07-27

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Part 1097 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1266(4) and (5)

*Finding of necessity for emergency rule:* Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

*Subject:* Conduct and safety of the public in the use of terminals, stations and trains operated by the Long Island Railroad Company.

**Purpose:** To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminals and stations.

Text of emergency rule: Subdivision (j) of section 1097.2 is amended to read as follows:

(j) Police officer [refers to] means any [member of the LIRR Police Department and any] person so designated [other police officer duly appointed] pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to [his] their authority, has jurisdiction within a terminal, station or train including without limitation any member of the MTA Police Department, and also any Bridge and Tunnel Officer authorized to issue notices of violation pursuant to New York Public Authorities Law, section 553(7-a).

New subdivisions (e) and (f) are added to section 1097.4 to read as follows:

- (e) The maximum amount of time in any calendar day that a person may use benches, chairs or other furniture designed for sitting in the public or designated ticketed passenger-only areas of any terminal or station is ninety (90) minutes, provided that LIRR may extend such time period in instances of significant delay or other exigent circumstances.
- (f) Shelters on train platforms are for the sole use of customers waiting to board a train who may remain in the shelter no more than ninety (90) minutes in any calendar day, provided that LIRR may extend such time period in instances of significant delay or other exigent circumstances.

Subdivisions (a), (d), (o) and (q) of section 1097.5 are amended and new subdivisions (r), (s) and (t) are added to read as follows:

No person in a terminal, station or train shall:

(a) block free movement of another person or persons; lie on the floor, platforms, stairs, *tables, benches, chairs or other furniture designed for sitting, counters* or landings; or occupy more than one seat;

(d) drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage, [except in premises or areas allowing the sale or consumption of alcoholic beverages, such as on trains or platforms or in bars or restaurants] except in such areas and at such times as may be permitted from time to time by LIRR in its discretion;

- (o) Burn a lighted cigarette, cigar, pipe, or any other matter or substance which contains tobacco or any tobacco substitute, or use an electronic cigarette ("vaping") on a train or in any indoor area within a terminal or station or in an outdoor ticketing, boarding or platform area of a terminal or station.
- (q) engage in noncommercial activities, except as authorized by subdivision (d) of this section[.];
  - (r) sit on the platforms, stairs, tables, counters or landings;

(s) utilize a wheeled cart greater than thirty inches in either length or width, including but not limited to shopping or grocery store carts or baskets but excluding any stroller which is being utilized for children, except for authorized deliveries to tenants in the terminal or station in areas designated for deliveries; and

(t) perform any act that interferes with the provision of transportation service, obstructs the flow of traffic in or on facilities, platforms or conveyances, interferes with access onto or off of an escalator, stairway, elevator or train, or otherwise interferes with the safe and efficient operation of the facilities.

Subdivision (c) of section 1097.15 is amended to read as follows:

(c) Violation of these rules shall constitute an offense punishable by a fine [not exceeding \$50] or imprisonment [for not more than 30 days] or both but no such fine or imprisonment shall exceed the maximum fine or imprisonment permitted under Public Authorities Law, section 1266(4).

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. LIR-20-20-00005-EP, Issue of July 20, 2020. The emergency rule will expire September 24, 2020.

Text of rule and any required statements and analyses may be obtained from: Peter Sistrom, Metropolitan Transportation Authority, 2 Broadway, New York, NY 10004, (212) 878-7176, email: psistrom@mtahq.org

Regulatory Impact Statement

Statutory authority: Section 1204(5-a) of the Public Authorities Law provides that the New York City Transit Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction; Sections 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as they may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities; these amended rules further the Legislature's objective by safeguarding public health and safety, especially during the State disaster emergency related to the COVID-19 outbreak and after.

Needs and benefits: The proposed amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Costs:

(a) Regulated parties. The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

(b) State and local government. The proposed amendments to the rules governing conduct and safety will not impose any new costs on State or local governments.

Local government mandates: The proposed amended rules do not impose any new programs, services, duties or responsibilities on local government. The New York City Police Department's Transit Bureau is already responsible with others in enforcing the New York City Transit Authority's Rules Governing the Conduct and Safety of the Public, and the MTA Police Department is responsible for enforcing the comparable rules and regulations governing he conduct and safety of the public on trains and stations operated by the MTA's two commuter railroads.

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: The proposed amended rules seek to improve enforcement of rules governing the public's use of the MTA's facilities and conveyances. No significant alternatives to these amendments were considered.

Federal standards: The proposed amended rules do not exceed any Federal minimum standards.

Compliance schedule: There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency amendments to the existing rules governing the conduct and safety of the public will be effective immediately.

#### Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

A Regulatory Flexibility Analysis, a Rural Area Flexibility Analysis, and a Job Impact Statement are not required for this rulemaking proposal

because it will not adversely affect small businesses, local governments, rural areas, or jobs.

This proposed rulemaking will amend The Long Island Railroad Company's existing rules of conduct governing the conduct and safety of the public in the use of its facilities and conveyances. Due to its narrow focus, this proposed rule will not impose an adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments in rural or urban areas or on jobs and employment opportunities.

Assessment of Public Comment

The agency received no public comment.

# Manhattan and Bronx Surface **Transit Operating Authority**

# **EMERGENCY RULE MAKING**

Conduct and Safety of the Public in the Use of Facilities and Conveyances Operated by the MaBSTOA

I.D. No. MBA-20-20-00002-E

Filing No. 467

Filing Date: 2020-07-27 **Effective Date:** 2020-07-27

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Part 1050 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1266(4) and (5)

Finding of necessity for emergency rule: Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Subject: Conduct and safety of the public in the use of facilities and conveyances operated by the MaBSTOA.

Purpose: To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system.

Text of emergency rule: Subdivision (c) of section 1050.2 is amended and new subdivisions (l), (m) and (n) are added to read as follows:

(c) "Service animal" means a guide dog, signal dog, or other animal

- individually trained to perform one or more specific tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or mental disability, that such person is unable to perform due to such disability, such as guiding persons with impaired vision, alerting persons with impaired hearing to sounds, pulling a wheelchair, retrieving dropped items, recognizing or avoiding hazards, alerting a person to an oncoming seizure, and responding to a seizure. The term service animal does not include a therapy animal, comfort animal, or animal used for emotional support.
- (l) "Paid fare zone" means the area beyond the point at which a fare is required on a conveyance or within a facility.
- (m) "MTA" means the Metropolitan Transportation Authority and its subsidiaries and affiliates.
- (n) "Police officer" means any person so designated pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to their authority, has jurisdiction within the facilities or conveyances of the authority including without limitation any member of the MTA Police Department, and also any Bridge and Tunnel Officer authorized to issue notices of violation pursuant to New York Public Authorities Law, section 553(7-a).

Subdivisions (b) and (e) of section 1050.3 are amended to read as

(b) Any act otherwise prohibited by any of the rules is lawful if specifically authorized by agreement, permit, license, or other writing duly signed by an authorized officer of the authority or the MTA or if performed by an officer, employee or designated agent of the a[A]uthority or the MTA acting within the scope of [his or her] their employment or agency.

(e) The singular shall mean and include the plural [; the masculine gender shall mean the feminine and the neuter genders; and vice versa]. Subdivision (c) of section 1050.4 is amended to read as follows:

(c) Except for employees of the authority or the MTA acting within the scope of their employment or other expressly authorized agents of the authority or the MTA, no person shall sell, provide, copy, reproduce or produce, or create any version of any fare media or otherwise authorize access to or use of the facilities, conveyances or services of the authority without the written permission of a representative of the authority duly authorized by the authority to grant such right to others.

The opening unnumbered paragraph and paragraphs (6) and (8) of subdivision (c) and subdivisions (d) and (g) of section 1050.6 are amended and a new subdivision (h) is added to read as follows:

- (c) Except as expressly permitted in this subdivision, no person shall engage in any nontransit uses upon any facility or conveyance. Nontransit uses are noncommercial activities that are not directly related to the use of a facility or conveyance for transportation, and include remaining in the paid fare zone of a particular subway station for more than one hour. The following nontransit uses are permitted by the a[A]uthority, provided they do not impede transit activities and they are conducted in accordance with these rules: public speaking; campaigning; leafletting or distribution of written noncommercial materials; activities intended to encourage and facilitate voter registration; artistic performances, including the acceptance of donations; solicitation for religious or political causes; solicitation for charities that:
- (1) have been licensed for any public solicitation within the preceding 12 months by the Commissioner of Social Services of the City of New York under section 21-111 of the Administrative Code of the City of New York or any successor provision;

(2) are duly registered as charitable organizations with the Attorney General of New York under section 172 of the New York Executive Law

or any successor provision; or,

(3) are exempt from Federal income tax under section 501(c)(3) of the United States Internal Revenue Code or any successor provision. Solicitors for such charities shall provide, upon request, evidence that such charity meets one of the preceding qualifications.

(6) Where an activity permitted by the authorization contained in this section includes the use of a sound production device, no person shall begin or continue the use of such sound production device during any announcement made over the public address system or by a [New York City] police officer or by an authority or MTA employee.

(8) Any person using the transit system for nontransit activities permitted pursuant to this rule does so at [his or her] their own risk, and the authority assumes no liability by the grant of this authorization.

- (d) All persons on or in any facility or conveyance of the a[A]uthority
- (1) comply with all lawful orders and directives of any [New York City] police officer or any employee of the authority or the MTA acting within the scope of [his or her] their employment;

(2) obey any instructions on notices or signs duly posted on any a[A]uthority facility or conveyance; and

- (3) provide accurate, complete and true information or documents requested by [New York City] police officers or by personnel of the authority or the MTA acting within the scope of their employment and otherwise in accordance with law. A farecard issued according to specified eligibility criteria that entitles the lawful holder thereof to a reduced fare or free transportation must have the name of the eligible holder clearly visible on the card and any person holding such farecard must comply with a request of authority or MTA personnel or a [New York City] police officer to physically inspect such farecard.
- (g) No person shall falsely represent [himself or herself] themselves as an agent, employee or representative of the a[A]uthority or the MTA or falsely represent [himself or herself] themselves as a [member of the New York City Police Department] police officer.
- (h) During a disaster emergency relating to public health declared by the Governor of the State of New York, no person who is on a subway car shall remain on such car, train, or in the station after the subway car has entered a terminal station and the authority has announced that the train is being taken out of service and instructed passengers to leave the train.

Subdivisions (a), (b), (g), (h), (i), (j) and (k) of section 1050.7 are amended to read as follows:

- (a) No person on or in any facility or conveyance shall: litter, dump garbage, liquids or other matter, create a nuisance, hazard or unsanitary condition (including, but not limited to, spitting, defecating, or urinating, except in facilities provided). Trash and other waste materials contained in waste receptacles shall not be removed, except by persons duly authorized by the authority;
- (b) smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch or use an electronic cigarette ("vaping");
  (g) drink any alcoholic beverage or possess any opened or unsealed

container of alcoholic beverage [, except on premises duly licensed for the sale of alcoholic beverages, such as bars and restaurants];

(h) enter or remain in any facility or conveyance while [his or her] *their* ability to function safely in the environment of *the* [an Authority] transit system is impaired by the consumption of alcohol or by the taking of any druss:

(i) conduct [himself or herself] *themselves* in any manner which may cause or tend to cause annoyance, alarm or inconvenience to a reasonable person or create a breach of the peace;

(j)(1) occupy more than one seat on a station, platform or conveyance when to do so would interfere or tend to interfere with the operation of the [authority's] transit system or the comfort of other passengers;

(2) place [his or her] *their* foot on a seat on a station, platform or conveyance:

(3) lie on the floor, platform, stairway, *elevator*, *escalator*, landing or conveyance; or

(4) [block free] otherwise interfere with or impede the movement of passengers or personnel of the authority or the MTA [on] in a station [,] or on a stairway, elevator, escalator, platform or conveyance;

(k) commit any act which causes or may tend to cause harm to oneself or to any other person including, but not limited to:

(1) riding a bicycle or straddling a bicycle while it is in motion, or riding a scooter, or any other self-propelled vehicle or any motor-propelled vehicle:

(2) wearing roller skates or in-line skates; or

(3) riding or otherwise standing on a skateboard.

(4) Paragraph one of this subdivision does not apply to the proper use of self-propelled or motor propelled wheelchairs or similar assistive devices by a [nonambulatory individual] person requiring the use of such device due to a disability.

Subdivisions (d), (e), (g) and (h) of section 1050.9 are amended to read as follows:

- (d) No person may ride on the roof, platform between subway cars or on any other area outside any subway car or bus or other conveyance operated by the authority. No person may use the end doors of a subway car to pass from one subway car to another except in an emergency or when directed to do so by an a[A]uthority conductor or a [New York City] police officer.
- (e) No person shall extend [his or her] *their* hand, arm, leg, head or other part of [his or her] *their* person, or extend any item, article or other substance outside of the window or door of a subway car, bus or other conveyance operated by the authority.
- (g) No person may carry on or bring to any facility or conveyance any wheeled cart greater than thirty inches in either length or width, including but not limited to shopping or grocery store carts or baskets, but excluding any stroller which is, at the time it is on or in the facility or conveyance, being utilized for children; or any item that:
- (1) is so long as to extend outside the window or door of a subway car, bus or other conveyance;
- (2) constitutes a hazard to the operation of the Authority, interferes with passenger traffic, or impedes service; or

(3) constitutes a danger or hazard to other persons.

Nothing contained in this section shall apply to the use of wheelchairs, crutches, canes or other physical assistance devices.

(h)(1) Except as otherwise provided in paragraph (2) of this subdivision, no person may bring any animal on or into any conveyance or facility unless enclosed in a container and carried in a manner which would not annoy other passengers.

(2) Paragraph (1) of this subdivision does not apply to working dogs for law enforcement agencies, to service animals, or to animals which are being trained as service animals and are accompanying persons with disabilities, or to animals which are being trained as service animals by a professional trainer. All service animals and animals being trained as service animals must be harnessed or leashed.

(3) Upon request by a police officer or designated employee of the authority or the MTA, a trainer must display proof of affiliation with a professional training school and that the animal is a licensed service animal or an animal being trained as a service animal. [Upon request of a police officer or designated authority personnel, a passenger must provide evidence that an animal claimed to be a service animal and thus exempt from the provisions of paragraph (1) of this subdivision qualifies as such or is being trained as a service animal. Such evidence may be supplied through: the display of a service animal license issued by the Department of Health of the City of New York or by other governmental agencies in New York or elsewhere authorized to issue such licenses, the display of an identification from a professional training school that the animal is a trained service animal, the presence of a harness or a marking on a harness, or the credible verbal assurances of the person with a disability using the service animal or animal being trained as such. For purposes of this paragraph, credible verbal assurances may include a description of one or more tasks that the animal performs or is being trained to perform for the benefit of the person with a disability]

[(4) As an alternative to any of the methods described in paragraph (3) of this subdivision for providing evidence that an animal meets the definition of service animal, persons with disabilities who use service animals who do not have a service animal license or other written documentation that the accompanying animal is a service animal may apply to the Metropolitan Transportation Authority for a service animal identification card.]

[(5) Law enforcement officers or designated authority personnel have the right to refuse admission to or eject any passenger accompanied by an animal, including a service animal, which poses a direct threat to the safety of other passengers.]

Section 1050.11 is amended to read as follows:

Ejectment.

Any person who is observed by a [New York City] police officer to be violating any of these rules and who may receive or has received a notice of violation therefore is subject to ejectment from the facilities.

Section 1050.12 is amended to read as follows:

Persons authorized to issue notices of violation

Any [New York City] police officer or other person(s) designated by the president of the authority shall be empowered to issue a notice of violation for violation of any of these rules.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. MBA-20-20-00002-EP, Issue of May 20, 2020. The emergency rule will expire September 24, 2020.

Text of rule and any required statements and analyses may be obtained from: Peter Sistrom, Metropolitan Transportation Authority, 2 Broadway, New York, NY 10004, (212) 878-7176, email: psistrom@mtahq.org

Regulatory Impact Statement

Statutory authority: Section 1204(5-a) of the Public Authorities Law provides that the New York City Transit Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction; Sections 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as they may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities; these amended rules further the Legislature's objective by safeguarding public health and safety, especially during the State disaster emergency related to the COVID-19 outbreak and after.

Needs and benefits: The proposed amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Costs:

(a) Regulated parties. The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

(b) State and local government. The proposed amendments to the rules governing conduct and safety will not impose any new costs on State or local governments.

Local government mandates: The proposed amended rules do not impose any new programs, services, duties or responsibilities on local government. The New York City Police Department's Transit Bureau is already responsible with others in enforcing the New York City Transit Authority's Rules Governing the Conduct and Safety of the Public, and the MTA Police Department is responsible for enforcing the comparable rules and regulations governing he conduct and safety of the public on trains and stations operated by the MTA's two commuter railroads.

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: The proposed amended rules seek to improve enforcement of rules governing the public's use of the MTA's facilities and conveyances. No significant alternatives to these amendments were considered.

Federal standards: The proposed amended rules do not exceed any Federal minimum standards.

Compliance schedule: There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency amendments to the existing rules governing the conduct and safety of the public will be effective immediately.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

A Regulatory Flexibility Analysis, a Rural Area Flexibility Analysis, and a Job Impact Statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

This proposed rulemaking will amend New York City Transit Authority and its subsidiary Manhattan And Bronx Surface Transit Operating Authority's existing rules of conduct governing the conduct and safety of the public in the use of its facilities and conveyances. Due to its narrow focus, this proposed rule will not impose an adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments in rural or urban areas or on jobs and employment opportunities.

Assessment of Public Comment

The agency received no public comment.

# **Metro-North Commuter Railroad**

# EMERGENCY RULE MAKING

Conduct and Safety of the Public in the Use of Terminals, Stations, and Trains Operated by Metro-North Commuter Railroad

I.D. No. MCR-20-20-00004-E

Filing No. 470

**Filing Date:** 2020-07-27 **Effective Date:** 2020-07-27

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Part 1085 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1266(4) and (5)

Finding of necessity for emergency rule: Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

**Subject:** Conduct and safety of the public in the use of terminals, stations, and trains operated by Metro-North Commuter Railroad.

**Purpose:** To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminals and stations.

Text of emergency rule: Subdivision (j) of section 1085.2 is amended to read as follows:

(j) Police officer [refers to] means any [member of the Metro-North Police Department and any] person so designated [other police officer duly appointed] pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to [his] their authority, has jurisdiction within a terminal, station or train including without limitation any member of the MTA Police Department, and also any Bridge and Tunnel Officer authorized to issue notices of violation pursuant to New York Public Authorities Law, section 553(7-a).

New subdivisions (e) and (f) are added to section 1085.4 to read as follows:

(e) The maximum amount of time in any calendar day that a person may use benches, chairs or other furniture designed for sitting in the public or designated ticketed passenger-only areas of any terminal or station is ninety (90) minutes, provided that Metro-North may extend such time period in instances of significant delay or other exigent circumstances.

(f) Shelters on train platforms are for the sole use of customers waiting to board a train who may remain in the shelter no more than ninety (90) minutes in any calendar day, provided that Metro-North may extend such time period in instances of significant delay or other exigent circumstances.

Subdivisions (a), (d), (o) and (q) of section 1085.5 are amended and new subdivisions (r), (s) and (t) are added to read as follows:

No person in a terminal, station or train shall:

(a) block free movement of another person or persons; lie on the floor, platforms, stairs, *tables, benches, chairs or other furniture designed for sitting, counters* or landings; or occupy more than one seat;

(d) drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage, [except in premises or areas allowing the sale or consumption of alcoholic beverages, such as on trains or platforms or in bars or restaurants] except in such areas and at such times as may be permitted from time to time by Metro-North in its discretion;

(o) Burn a lighted cigarette, cigar, pipe, or any other matter or substance which contains tobacco or any tobacco substitute, or use an electronic cigarette ("vaping") on a train or in any indoor area within a terminal or station or in an outdoor ticketing, boarding or platform area of a terminal or station

tation.

(q) engage in noncommercial activities, except as authorized by subdivision (d) of this section[.];

(r) sit on the platforms, stairs, tables, counters or landings;

(s) utilize a wheeled cart greater than thirty inches in either length or width, including but not limited to shopping or grocery store carts or baskets but excluding any stroller which is being utilized for children, except for authorized deliveries to tenants in the terminal or station in areas designated for deliveries; and

(t) perform any act that interferes with the provision of transportation service, obstructs the flow of traffic in or on facilities, platforms or conveyances, interferes with access onto or off of an escalator, stairway, elevator or train, or otherwise interferes with the safe and efficient operation of the facilities

Subdivision (c) of section 1085.15 is amended to read as follows:

(c) Violation of these rules shall constitute an offense punishable by a fine [not exceeding \$50] or imprisonment [for not more than 30 days] or both but no such fine or imprisonment shall exceed the maximum fine or imprisonment permitted under Public Authorities Law, section 1266(4).

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. MCR-20-20-00004-EP, Issue of May 20, 2020. The emergency rule will expire September 24, 2020.

Text of rule and any required statements and analyses may be obtained from: Peter Sistrom, Metropolitan Transportation Authority, 2 Broadway, New York, New York 10004, (212) 878-7176, email: psistrom@mtahq.org

Regulatory Impact Statement

Statutory authority: Section 1204(5-a) of the Public Authorities Law provides that the New York City Transit Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction; Sections 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as they may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities; these amended rules further the Legislature's objective by safeguarding public health and safety, especially during the State disaster emergency related to the COVID-19 outbreak and after.

Needs and benefits: The proposed amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Costs:

(a) Regulated parties. The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

(b) State and local government. The proposed amendments to the rules governing conduct and safety will not impose any new costs on State or local governments.

Local government mandates: The proposed amended rules do not impose any new programs, services, duties or responsibilities on local government. The New York City Police Department's Transit Bureau is already responsible with others in enforcing the New York City Transit Authority's Rules Governing the Conduct and Safety of the Public, and the MTA Police Department is responsible for enforcing the comparable rules and regulations governing he conduct and safety of the public on trains and stations operated by the MTA's two commuter railroads.

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or

conflict with any State or Federal rule.

Alternatives: The proposed amended rules seek to improve enforcement of rules governing the public's use of the MTA's facilities and conveyances. No significant alternatives to these amendments were

Federal standards: The proposed amended rules do not exceed any Federal minimum standards

Compliance schedule: There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency amendments to the existing rules governing the conduct and safety of the public will be effective immediately.

#### Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

A Regulatory Flexibility Analysis, a Rural Area Flexibility Analysis, and a Job Impact Statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

This proposed rulemaking will amend Metro-North Commuter Railroad Company's existing rules of conduct governing the conduct and safety of the public in the use of its facilities and conveyances. Due to its narrow focus, this proposed rule will not impose an adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments in rural or urban areas or on jobs and employment opportunities.

#### Assessment of Public Comment

The agency received no public comment.

# **New York City Transit Authority**

# **EMERGENCY RULE MAKING**

Conduct and Safety of the Public in the Use of Facilities and Conveyances Operated by New York City Transit Authority

I.D. No. NTA-20-20-00001-E

Filing No. 468

Filing Date: 2020-07-27 **Effective Date: 2020-07-27** 

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Part 1050 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, sections 1204(5-a), 1266(4) and (5)

Finding of necessity for emergency rule: Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Subject: Conduct and safety of the public in the use of facilities and conveyances operated by New York City Transit Authority.

**Purpose:** To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system.

Text of emergency rule: Subdivision (c) of section 1050.2 is amended and new subdivisions (l), (m) and (n) are added to read as follows:

(c) "Service animal" means a guide dog, signal dog, or other animal individually trained to perform one or more specific tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or mental disability, that such person is unable to perform due to such disability, such as guiding persons with impaired vision, alerting persons with impaired hearing to sounds, pulling a wheelchair, retrieving dropped items, recognizing or avoiding hazards, alerting a person to an oncoming seizure, and responding to a seizure. The term service animal does not include a therapy animal, comfort animal, or animal used for emotional support.

(l) "Paid fare zone" means the area beyond the point at which a fare is required on a conveyance or within a facility.

(m) "MTA" means the Metropolitan Transportation Authority and its subsidiaries and affiliates.

(n) "Police officer" means any person so designated pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to their authority, has jurisdiction within the facilities or conveyances of the authority including without limitation any member of the MTA Police Department, and also any Bridge and Tunnel Officer authorized to issue notices of violation pursuant to New York Public Authorities Law, section 553(7-a).

Subdivisions (b) and (e) of section 1050.3 are amended to read as follows:

(b) Any act otherwise prohibited by any of the rules is lawful if specifically authorized by agreement, permit, license, or other writing duly signed by an authorized officer of the authority or the MTA or if performed by an officer, employee or designated agent of the a[A]uthority or the MTA acting within the scope of [his or her] their employment or agency.

(e) The singular shall mean and include the plural [; the masculine gender shall mean the feminine and the neuter genders; and vice versa].

Subdivision (c) of section 1050.4 is amended to read as follows:

(c) Except for employees of the authority or the MTA acting within the scope of their employment or other expressly authorized agents of the authority or the MTA, no person shall sell, provide, copy, reproduce or produce, or create any version of any fare media or otherwise authorize access to or use of the facilities, conveyances or services of the authority without the written permission of a representative of the authority duly authorized by the authority to grant such right to others.

The opening unnumbered paragraph and paragraphs (6) and (8) of subdivision (c) and subdivisions (d) and (g) of section 1050.6 are amended

and a new subdivision (h) is added to read as follows:

- (c) Except as expressly permitted in this subdivision, no person shall engage in any nontransit uses upon any facility or conveyance. Nontransit uses are noncommercial activities that are not directly related to the use of a facility or conveyance for transportation, and include remaining in the paid fare zone of a particular subway station for more than one hour. The following nontransit uses are permitted by the a[A]uthority, provided they do not impede transit activities and they are conducted in accordance with these rules: public speaking; campaigning; leafletting or distribution of written noncommercial materials; activities intended to encourage and facilitate voter registration; artistic performances, including the acceptance of donations; solicitation for religious or political causes; solicitation for charities that:
- (1) have been licensed for any public solicitation within the preceding 12 months by the Commissioner of Social Services of the City of New York under section 21-111 of the Administrative Code of the City of New York or any successor provision;

(2) are duly registered as charitable organizations with the Attorney General of New York under section 172 of the New York Executive Law or any successor provision; or,

(3) are exempt from Federal income tax under section 501(c)(3) of the United States Internal Revenue Code or any successor provision. Solicitors for such charities shall provide, upon request, evidence that such charity meets one of the preceding qualifications.

(6) Where an activity permitted by the authorization contained in this section includes the use of a sound production device, no person shall begin or continue the use of such sound production device during any announcement made over the public address system or by a [New York City] police officer or by an authority or MTA employee.

(8) Any person using the transit system for nontransit activities permitted pursuant to this rule does so at [his or her] their own risk, and the authority assumes no liability by the grant of this authorization.

(d) All persons on or in any facility or conveyance of the a[A]uthority

- (1) comply with all lawful orders and directives of any [New York City] police officer or any employee of the authority or the MTA acting within the scope of [his or her] their employment;
- (2) obey any instructions on notices or signs duly posted on any a[A]uthority facility or conveyance; and
- (3) provide accurate, complete and true information or documents requested by [New York City] police officers or by personnel of the authority or the MTA acting within the scope of their employment and otherwise in accordance with law. A farecard issued according to specified eligibility criteria that entitles the lawful holder thereof to a reduced fare or free transportation must have the name of the eligible holder clearly visible on the card and any person holding such farecard must comply with a request of authority or MTA personnel or a [New York City] police officer to physically inspect such farecard.
  - (g) No person shall falsely represent [himself or herself] themselves as

an agent, employee or representative of the a[A]uthority or the MTA or falsely represent [himself or herself] themselves as a [member of the New York City Police Department] police officer.

(h) During a disaster emergency relating to public health declared by the Governor of the State of New York, no person who is on a subway car shall remain on such car, train, or in the station after the subway car has entered a terminal station and the authority has announced that the train is being taken out of service and instructed passengers to leave the train.

Subdivisions (a), (b), (g), (h), (i), (j) and (k) of section 1050.7 are amended to read as follows:

(a) No person on or in any facility or conveyance shall: litter, dump garbage, liquids or other matter, create a nuisance, hazard or unsanitary condition (including, but not limited to, spitting, *defecating*, or urinating, except in facilities provided). Trash and other waste materials contained in waste receptacles shall not be removed, except by persons duly authorized

by the authority;
(b) smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch or use an electronic cigarette ("vaping");

(g) drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage [, except on premises duly licensed for the sale of alcoholic beverages, such as bars and restaurants];

(h) enter or remain in any facility or conveyance while [his or her] *their* ability to function safely in the environment of *the* [an Authority] transit system is impaired by the consumption of alcohol or by the taking of any drugs;

(i) conduct [himself or herself] *themselves* in any manner which may cause or tend to cause annoyance, alarm or inconvenience to a reasonable person or create a breach of the peace;

(j)(1) occupy more than one seat on a station, platform or conveyance when to do so would interfere or tend to interfere with the operation of the [authority's] transit system or the comfort of other passengers;

(2) place [his or her] *their* foot on a seat on a station, platform or conveyance;

(3) lie on the floor, platform, stairway, *elevator*, *escalator*, landing or conveyance; or

(4) [block free] otherwise interfere with or impede the movement of passengers or personnel of the authority or the MTA [on] in a station [,] or on a stairway, elevator, escalator, platform or conveyance;

(k) commit any act which causes or may tend to cause harm to oneself or to any other person including, but not limited to:

(1) riding a bicycle or straddling a bicycle while it is in motion, or riding a scooter, or any other self-propelled vehicle or any motor-propelled vehicle:

(2) wearing roller skates or in-line skates; or

(3) riding or otherwise standing on a skateboard.

(4) Paragraph one of this subdivision does not apply to the proper use of self-propelled or motor propelled wheelchairs or similar assistive devices by a [nonambulatory individual] person requiring the use of such device due to a disability.

Subdivisions (d), (e), (g) and (h) of section 1050.9 are amended to read as follows:

(d) No person may ride on the roof, platform between subway cars or on any other area outside any subway car or bus or other conveyance operated by the authority. No person may use the end doors of a subway car to pass from one subway car to another except in an emergency or when directed to do so by an a[A]uthority conductor or a [New York City] police officer

(e) No person shall extend [his or her] *their* hand, arm, leg, head or other part of [his or her] *their* person, or extend any item, article or other substance outside of the window or door of a subway car, bus or other conveyance operated by the authority.

(g) No person may carry on or bring to any facility or conveyance any wheeled cart greater than thirty inches in either length or width, including but not limited to shopping or grocery store carts or baskets, but excluding any stroller which is, at the time it is on or in the facility or conveyance, being utilized for children; or any item that:

(1) is so long as to extend outside the window or door of a subway car, bus or other conveyance;

(2) constitutes a hazard to the operation of the Authority, interferes with passenger traffic, or impedes service; or

(3) constitutes a danger or hazard to other persons.

Nothing contained in this section shall apply to the use of wheelchairs, crutches, canes or other physical assistance devices.

(h)(1) Except as otherwise provided in paragraph (2) of this subdivision, no person may bring any animal on or into any conveyance or facility unless enclosed in a container and carried in a manner which would not annoy other passengers.

(2) Paragraph (1) of this subdivision does not apply to working dogs for law enforcement agencies, to service animals, or to animals which are being trained as service animals and are accompanying persons with disabilities, or to animals which are being trained as service animals by a professional trainer. All service animals and animals being trained as service animals must be harnessed or leashed.

(3) Upon request by a police officer or designated employee of the authority or the MTA, a trainer must display proof of affiliation with a professional training school and that the animal is a licensed service animal or an animal being trained as a service animal. [Upon request of a police officer or designated authority personnel, a passenger must provide evidence that an animal claimed to be a service animal and thus exempt from the provisions of paragraph (1) of this subdivision qualifies as such or is being trained as a service animal. Such evidence may be supplied through: the display of a service animal license issued by the Department of Health of the City of New York or by other governmental agencies in New York or elsewhere authorized to issue such licenses, the display of an identification from a professional training school that the animal is a trained service animal, the presence of a harness or a marking on a harness, or the credible verbal assurances of the person with a disability using the service animal or animal being trained as such. For purposes of this paragraph, credible verbal assurances may include a description of one or more tasks that the animal performs or is being trained to perform for the benefit of the person with a disability]

[(4) As an alternative to any of the methods described in paragraph (3) of this subdivision for providing evidence that an animal meets the definition of service animal, persons with disabilities who use service animals who do not have a service animal license or other written documentation that the accompanying animal is a service animal may apply to the Metropolitan Transportation Authority for a service animal identification card.]

[(5) Law enforcement officers or designated authority personnel have the right to refuse admission to or eject any passenger accompanied by an animal, including a service animal, which poses a direct threat to the safety of other passengers.]

Section 1050.11 is amended to read as follows:

Ejectment.

Any person who is observed by a [New York City] police officer to be violating any of these rules and who may receive or has received a notice of violation therefore is subject to ejectment from the facilities.

Section 1050.12 is amended to read as follows:

Persons authorized to issue notices of violation

Any [New York City] police officer or other person(s) designated by the president of the authority shall be empowered to issue a notice of violation for violation of any of these rules.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. NTA-20-20-00001-EP, Issue of May 20, 2020. The emergency rule will expire September 24, 2020.

Text of rule and any required statements and analyses may be obtained from: Peter Sistrom, Metropolitan Transportation Authority, 2 Broadway, New York, NY 10004, (212) 878-7176, email: psistrom@mtahq.com

Regulatory Impact Statement

Statutory authority: Section 1204(5-a) of the Public Authorities Law provides that the New York City Transit Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction; Sections 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as they may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities; these amended rules further the Legislature's objective by safeguarding public health and safety, especially during the State disaster emergency related to the COVID-19 outbreak and after.

Needs and benefits: The proposed amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Costs:

(a) Regulated parties. The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

(b) State and local government. The proposed amendments to the rules governing conduct and safety will not impose any new costs on State or local governments.

Local government mandates: The proposed amended rules do not impose any new programs, services, duties or responsibilities on local government. The New York City Police Department's Transit Bureau is already responsible with others in enforcing the New York City Transit Authority's Rules Governing the Conduct and Safety of the Public, and the MTA Police Department is responsible for enforcing the comparable rules and regulations governing he conduct and safety of the public on trains and stations operated by the MTA's two commuter railroads.

Paperwork: The proposed amended rules do not impose any new report-

ing requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or

conflict with any State or Federal rule.

Alternatives: The proposed amended rules seek to improve enforcement of rules governing the public's use of the MTA's facilities and conveyances. No significant alternatives to these amendments were

considered.

Federal standards: The proposed amended rules do not exceed any Federal minimum standards

Compliance schedule: There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency amendments to the existing rules governing the conduct and safety of the public will be effective immediately.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

A Regulatory Flexibility Analysis, a Rural Area Flexibility Analysis, and a Job Impact Statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

This proposed rulemaking will amend New York City Transit Authority and its subsidiary Manhattan And Bronx Surface Transit Operating Authority's existing rules of conduct governing the conduct and safety of the public in the use of its facilities and conveyances. Due to its narrow focus, this proposed rule will not impose an adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments in rural or urban areas or on jobs and employment opportunities.

Assessment of Public Comment

The agency received no public comment.

# **Public Service Commission**

# PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

# **Transfer of Street Light Facilities**

I.D. No. PSC-32-20-00009-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid for the transfer of certain street lighting facilities located in the City of Tonawanda, New York to the City of Tonawanda.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street light facilities.

Purpose: To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or the Company) on July 10, 2020, requesting authorization to transfer ownership of certain street lighting facilities installed throughout the City of Tonawanda (City) to the City.

The original cost of the facilities was approximately \$1,219,453 and the net book value is \$763,826, as of February 29, 2020. The Company proposes to transfer the ownership of the street lighting facilities to the City for approximately \$795,604, which includes the net book value of the assets and transition and transaction costs. National Grid explains that the agreement between it and the City provides that the purchase price will be adjusted (up or down) to reflect the actual net book value at the date of closing.

The full text of the filing and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6517, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (20-E-0326SP1)

# PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### **Procurement of Tier 1 RECs**

I.D. No. PSC-32-20-00010-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering the Petition filed by NYSERDA proposing that generators with fixed-price REC contracts entered into under the CES be permitted to transition to index-price REC contracts, subject to appropriate rules.

Statutory authority: Public Service Law, sections 4(1), 5(1), (2), 66(2), 66-p; Energy Law, section 6-104(5)(b)

Subject: Procurement of Tier 1 RECs.

Purpose: Management of renewable energy procurements to meet state goals and benefit ratepayers.

Substance of proposed rule: The Public Service Commission is considering a Petition filed by the New York State Energy Research and Development Authority (NYSERDA) related to contracts for Tier 1 Renewable Energy Credits (RECs). The Petition explains that initial procurements for Clean Energy Standard (CES) Tier 1 RECs were conducted using a fixedprice model, while more recent procurements are being conducted using the addition of an index-price model, pursuant to the Commission's January 16, 2020 Order Modifying Tier 1 Renewable Energy Products. The Petition thus proposes to allow projects that hold fixed-price Tier 1 REC contracts and have not yet achieved commercial operation to convert that contract to an index-priced REC contract, subject to cost-containment and other appropriate controls, while retaining many of the non-price related contract provisions applicable to the project. The Petition asserts that an index-priced REC contract would provide more certainty to developers currently holding fixed-price REC contracts which, in turn, would allow the developers to hedge against market volatility and obtain lower cost financing. NYSERDA expects that ratepayers will realize material savings as a result of these benefits and that overall project viability will also increase, yielding projects that are more likely to be constructed and deliver to New York under the NYSERDA contract.

The full text of the Petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this

#### Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0302SP45)

# PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Sale of Transmission Line and Related Property Rights

I.D. No. PSC-32-20-00011-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering a petition filed by Economic Development Growth Enterprises d/b/a Mohawk Valley EDGE and Niagara Mohawk Power Corporation d/b/a National Grid regarding transfer of 1.42 mile transmission line and property rights in Marcy, NY.

*Statutory authority:* Public Service Law, sections 5, 65, 66 and 70(1) *Subject:* Sale of transmission line and related property rights.

**Purpose:** To determine whether to authorize the transfer of a 1.42 mile transmission line and the proper accounting for the transaction.

Substance of proposed rule: The Public Service Commission (Commission) is considering a joint petition (Petition) filed on July 7, 2020 by Economic Development Growth Enterprises Corporation d/b/a Mohawk Valley EDGE (EDGE) and Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), requesting authorization to transfer ownership of an approximately 1.42 mile transmission line and related property rights located in the Town of Marcy (Facilities) from EDGE to National Grid. The Petition also seeks authorization to transfer the Certificate of Public Convenience and Necessity (Certificate), and all other approvals related to the Facilities, from EDGE to National Grid.

EDGE is developing an approximately 434-acre site (Site) for semiconductor manufacturers, nanotechnology companies, and other end-users, which would require a 340 MW load from National Grid to serve the Site. In September 2016, EDGE filed a petition with the Commission, which sought the Certificate to construct a transmission line to run from National Grid's Edic Road Substation to a new substation owned and operated by EDGE because no pre-existing transmission lines served the Site. EDGE stated in its petition for the Certificate, that upon completion of the transmission line and prior to energization, ownership would be transferred to National Grid through a separate petition to be filed with the Commission. The Commission granted the Certificate by Order, dated January 24, 2017, in Case 16-E-0500. The transmission line was substantially completed in March 2020.

The original cost of the Facilities was approximately \$5,216,210. The Facilities have not yet been placed into service as of the date of the Petition. EDGE proposes to transfer the Facilities and related approvals to National Grid for \$1.

The full text of the petition and the full record of the proceeding may be viewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

*Data, views or arguments may be submitted to:* Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (20-E-0320SP1)

# PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### **Transfer of Street Lighting Facilities**

I.D. No. PSC-32-20-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a Petition filed by Ni-

agara Mohawk Power Corporation d/b/a National Grid for the transfer of certain street lighting facilities located in the Village of Scotia, New York to the Village of Scotia.

*Statutory authority:* Public Service Law, sections 5, 65, 66 and 70(1) *Subject:* Transfer of street lighting facilities.

**Purpose:** To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on June 22, 2020 by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or the Company), requesting authorization to transfer ownership of certain street lighting facilities installed throughout the Village of Scotia (Village) to the Village.

The original cost of the facilities was approximately \$177,831 and the net book value is \$76,900, as of February 29, 2020. The Company proposes to transfer the ownership of the street lighting facilities to the Village for approximately \$50,911, which includes the net book value of the assets and transition and transaction costs. National Grid explains that the agreement between it and the Village provides that the purchase price will be adjusted (up or down) to reflect the actual net book value at the date of closing.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

*Data, views or arguments may be submitted to:* Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6517, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (20-E-0362SP1)

# PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

# Authorization for RED-Rochester, LLC to Incur Indebtedness of Up to \$200 Million

I.D. No. PSC-32-20-00013-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Public Service Commission is considering a petition filed on July 1, 2020, by RED-Rochester, LLC, to incur indebtedness for a term in excess of twelve months.

*Statutory authority:* Public Service Law, sections 2(12), (13), 4(1), 5(2), 65(1), 66(1), (2), (4), (5), 69, 82 and 89-f

 ${\it Subject:}$  Authorization for RED-Rochester, LLC to incur indebtedness of up to \$200 million.

*Purpose:* To ensure that the proposed debt financing is within the public interest.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by RED-Rochester, LLC on July 1, 2020, seeking approval to incur indebtedness, for a term in excess of twelve months, pursuant to Public Service Law § \$69, 82, and 89-f. Specifically, the petition seeks authorization to enter into indebtedness of up to \$200 million, including the authority to guarantee and to pledge ownership interests in the jurisdictional assets owned by RED-Rochester LLC as collateral security for the repayment of up to \$200 million in long-term indebtedness. The petition maintains that the approval sought is in the public interest because it would reimburse RED-Rochester LLC for capital improvements made to date at the Eastman Business Park (Park), provide for the availability of capital for future plant improvements at the Park, provide RED-Rochester LLC with continuing access to capital for its operations, and enable RED-Rochester to take advantage of favorable borrowing conditions.

The full text of the petition and the full record of the proceeding may be

reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, modify, or reject, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

*Data, views or arguments may be submitted to:* Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (20-M-0316SP1)

# PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Term for Retention of a Monetary Crediting Methodology

I.D. No. PSC-32-20-00014-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering a Petition for Extension of Net Metering Credit Term filed by AES Distributed Energy, Inc. (AES DE) on May 29, 2020.

**Statutory authority:** Public Service Law, sections 5(2), 22, 65(1), (2), (3), 66(1), (2), (3), (4), (5), (9), (12), (12-a), 66-c, 66-j and 66-l

Subject: The term for retention of a monetary crediting methodology.

*Purpose:* To provide sufficient revenues to support financing, realize promised benefits from the project, and repay necessary re-work.

Substance of proposed rule: The Public Service Commission (Commission) is considering a Petition filed on May 29, 2020 by AES Distributed Energy, Inc. (AES DE) requesting authorization of a two-year extension of the term for retention of a monetary crediting methodology beyond 25 years for two of its projects. The two projects at issue, known as the "Cosh Project" and the "Johnson Project" (together, the Projects), are located in Orange and Rockland Utilities, Inc.'s (O&R) service territory and both are sized at two megawatts (MW). AES DE explains that both projects achieved mechanical completion in November 2017 and began commercial operation in June 2018, satisfying the Commission's requirements for grandfathering of monetary remote net metering (RNM) credits. The customer for the Johnson and Cosh Projects developed by AES DE is the Trustees of Columbia University in the City of New York and the Projects serve the Lamont-Doherty Earth Observatory of Columbia University (Lamont)

AES DE is requesting a two-year extension of the initial 25-year remote net metering term in order to realize sufficient revenues to support financing obligations and repay the re-work incurred, as well as to earn a return on its investments in the Projects and so that Lamont can realize promised benefits. AES DE explains that when Lamont received its first invoice from O&R reflecting application of the monetary credits generated by the Projects the RNM credits were substantially less than anticipated. AES DE asserts its understanding that Lamont had expected that the RNM credits would be valued based on O&R's SC-2 Secondary non-demand tariff rate; however, O&R generated RNM credits for the Projects based on its SC-2 Primary rate, which is approximately 40% lower than the rate AES DE and Lamont expected and factored into financing for the Projects. According to AES DE, since the Projects were mechanically complete in November 2017, Lamont and AES DE based their expectation of the value of future RNM credits on Rider N of the tariff in effect from November 2016 through February 2018, which does not specify that non-demand rates could not be applied to Primary Service. AES DE explains that the tariff was changed in February 2018 to make all Primary Service demandbilled. Furthermore, according to AES DE, the Projects had to be mechanically completed before AES DE received the "Red Book" with O&R's final designs detailing transformer specifications. AES DE explains that, had it received the Red Book earlier in the process, the question of metering voltage, and associated tariff rate may have been identified and the design could have been modified to avoid credit valuation issues.

AES DE further explains that Lamont's performance under its Power

Purchase Agreement (PPA) would have resulted in losses to Lamont because the rate at which O&R calculates credits for the Projects is significantly lower than the rate anticipated. To rectify this, AES DE and Lamont reached a short-term agreement that will prevent Lamont from incurring any losses. AES DE clarifies that the short-term agreement is not sustainable, as the current revenues to AES DE are not sufficient to support the Project's financing. O&R proposed, and AES DE and Lamont cautiously accepted, a re-work to resolve issues and provide an adequate RNM credit valuation. According to AES DE, upon installation and energization of the new transformer, a new PPA term will commence between Lamont and AES DE for a period of 25 years.

tween Lamont and AES DE for a period of 25 years.

The full text of the filing and the full record of the proceeding may be read in its entirety on the Department of Public Service's website at www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

*Data, views or arguments may be submitted to:* Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (14-E-0151SP8)

# PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Petition for Waiver of the Requirements of 16 NYCRR Part 96 Regarding Individual Metering of Living Units

I.D. No. PSC-32-20-00015-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering the petition of St. Paul's Center to master meter at 214 Washington Avenue Rensselaer, NY, and a waiver from 16 NYCRR Part 96.

**Statutory authority:** Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

*Subject:* Petition for waiver of the requirements of 16 NYCRR Part 96 regarding individual metering of living units.

*Purpose:* To consider the petition of St. Paul's Center to master meter and for waiver of 16 NYCRR Part 96.

*Substance of proposed rule:* The Commission is considering the petition, filed June 23, 2020, of St. Paul's Center to Master Meter at 214 Washington Avenue Rensselaer, New York. The petitioner is also seeking to waive the individual metering requirements contained in 16 NYCRR Part 96.

The residence will contain nine units of supportive housing at the four identified properties for individuals and families that are experiencing homelessness with serious mental illness, substance use disorder. All units will provide supportive housing services.

By seeking authority to not submeter the individual living units for St. Paul's Center requests authorization to take electric service from Niagara Mohawk Power Corporation (National Grid) and unmetered electricity would be provided to tenants.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

*Data, views or arguments may be submitted to:* Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (20-E-0308SP1)

# PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### **Transfer of Street Lighting Facilities**

I.D. No. PSC-32-20-00016-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid seeking authorization to transfer certain street lighting facilities in the Village of Brockport to the Village of Brockport.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street lighting facilities.

**Purpose:** To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on July 14, 2020 by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or the Company), requesting authorization to transfer ownership of certain street lighting facilities installed throughout the Village of Brockport (Village) to the Village.

The original cost of the facilities was approximately \$390,486 and the net book value is \$220,481, as of February 29, 2020. The Company proposes to transfer the ownership of the street lighting facilities to the Village for approximately \$230,665, which includes the net book value of the assets and transition and transaction costs. National Grid explains that the agreement between it and the Village provides that the purchase price will be adjusted (up or down) to reflect the actual net book value at the date of closing.

The full text of the petition and the full record of the proceeding may be viewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

*Data, views or arguments may be submitted to:* Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(20-E-0355SP1)

# PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### **Transfer of Street Light Facilities**

I.D. No. PSC-32-20-00017-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid for the transfer of certain street lighting facilities located in the Town of Tonawanda, New York to the Town of Tonawanda.

*Statutory authority:* Public Service Law, sections 5, 65, 66 and 70(1) *Subject:* Transfer of street light facilities.

**Purpose:** To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or the Company) on July 6, 2020, requesting authorization to transfer ownership of certain street lighting facilities installed throughout the Town of Tonawanda (Town) to the Town.

The original cost of the facilities was approximately \$16,118,240 and the net book value is \$11,708,830, as of February 29, 2020. The Company proposes to transfer the ownership of the street lighting facilities to the Town for approximately \$11,845,454, which includes the net book value of the assets and transition and transaction costs. National Grid explains that the agreement between it and the Town provides that the purchase price will be adjusted (up or down) to reflect the actual net book value at the date of closing.

The full text of the filing and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

*Data, views or arguments may be submitted to:* Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6517, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (20-E-0319SP1)

# Staten Island Rapid Transit Operating Authority

# EMERGENCY RULE MAKING

Conduct and Safety of the Public in the Use of Terminals, Stations and Trains Operated by Staten Island Rapid Transit Authority

**I.D. No.** SIR-20-20-00003-E

Filing No. 469

**Filing Date:** 2020-07-27 **Effective Date:** 2020-07-27

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Part 1040 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1266(4) and (5)

*Finding of necessity for emergency rule:* Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

*Subject:* Conduct and safety of the public in the use of terminals, stations and trains operated by Staten Island Rapid Transit Authority.

**Purpose:** To safeguard the public health and safety by amending rules concerning appropriate and safe use of terminals and stations.

**Text of emergency rule:** Subdivisions (h), (k), and (l) of section 1040.2 are amended and new subdivision (p) is added to read as follows:

(h) General manager means the individual or individuals designated by SIRTOA with overall supervisory responsibility for the SIRTOA facilities, or [his] *their* designee.

- (k) Police officer [refers to any member of the SIRTOA police and any other police officer appointed means any person so designated pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to [his] their authority, has jurisdiction within [a terminal, station or train] the facilities or conveyances of SIRTOA, including without limitation any member of the MTA Police Department, and also any Bridge and Tunnel Officer authorized to issue notices of violation pursuant to New York Public Authorities Law, section 553(7-a).
- (1) Service animal means a guide dog, signal dog, or other animal individually trained to perform *one or more specific* tasks for the benefit of a person with a disability, *including a physical, sensory, psychiatric, intel*lectual, or mental disability, that such person is unable to perform due to such disability, such as guiding persons with impaired vision, [altering] alerting persons with impaired hearing to sounds, pulling a wheelchair, retrieving dropped items, recognizing or avoiding hazards, alerting a person to an oncoming seizure, and responding to a seizure, or providing rescue assistance. The term service animal does not include a therapy animal, comfort animal, or animal used for emotional support.

(p) Paid fare zone means the area beyond the point at which a fare is required on a conveyance or within a facility.

Subdivisions (b), (c), and (f) of section 1040.3 are amended to read as

follows:

- (b) No act otherwise prohibited by any of the rules may be undertaken unless specifically authorized by the terms of any written contract, agreement, permit, license, or lease of the type issued in the ordinary course of business by SIRTOA or the Authority, provided that such act is otherwise in compliance with any other applicable laws, rules and regulations. Any act otherwise prohibited by these rules is lawful if performed by an officer, employee or designated agent of SIRTOA or the Authority acting within the scope of [his] their employment or agency.
- (c) The rules shall not apply to a SIRTOA or Authority employee acting within the course of [his] their employment in an area which is closed to the public. Conduct by SIRTOA employees in areas closed to the public shall continue to governed in accordance with applicable rules, laws and SIRTOA disciplinary procedures.
- (f) The singular shall mean and include the plural [; the masculine gender shall mean the feminine and the neuter genders, and vice versa].

Subdivisions (d) and (e) of section 1040.4 are amended to read as

- (d) Emergency closure. Whenever a threat to public health or safety exists in a terminal or station resulting from any cause, the general manager or any SIRTOA employee having authority to do so may close the affected terminal or station or any part thereof to the public to ensure the safety and well-being of the public. During a disaster emergency relating to public health declared by the Governor of the State of New York, no person who is on a train shall remain on such train or in the terminal or station after the train has entered a terminal or station and SIRTOA has announced that the train is being taken out of service and instructed passengers to leave the train.
- (e) Except as expressly authorized and permitted in this subdivision, no person shall engage in any nontransit uses upon any facility or conveyance. Nontransit uses are noncommercial activities that are not directly related to the use of a facility or conveyance for transportation, and include remaining in the paid fare zone of a particular terminal or station for more than one hour. The following nontransit activities are authorized and permitted by SIRTOA, provided they do not impede transit activities and they are conducted in accordance with the rules governing the conduct and safety of the public in the use of the Staten Island Rapid Transit Operating Authority: public speaking; distribution of written noncommercial materials; artistic performances, including the acceptance of donations; solicitation for religious or political causes; solicitation for charities that:
- 1) have been licensed for any public solicitation within the preceding 12 months by the Commissioner of Social Services of the City of New York under section 21-111 of the Administrative Code of the City of New York or any successor provision;
- (2) are duly registered as charitable organizations with the Attorney General of New York under section 172 of the New York Executive Law or any successor provision; or,
- (3) are exempt from Federal income tax under section 501(c)(3) of the United States Internal Revenue Code or any successor provision. Solicitors for such charities shall provide, upon request, evidence that such charity meets one of the preceding qualifications. The aforementioned nontransit uses within the stations and terminals are deemed to be authorized provided that such activities:
- (i) do not impede or interfere with or impair transportation services or the movement of persons within a station or terminal:
- (ii) do not violate any of the prohibitions contained in these rules;
  - (iii) do not take place on trains.

Subdivisions (a), (f), (j), (o), (s), (w), and (x) of section 1040.5 are amended to read as follows:

(a) [block free] interfere with or impede the movement of [another person or persons] passengers or personnel of the Authority or SIRTOA; lie on the floor, platforms, stairs, elevator, escalator, or landings; occupy more than one seat when to do so would interfere with the operation of SIRTOA's transportation system or the comfort of other passengers; or place [his or her] their foot on any seat;

(f) enter or remain in any facility or train while [his or her] their ability to function safely in the environment of the terminal, station or train is impaired by the consumption of alcohol or by the taking of any drug;

- (j) ride or otherwise stand on a skateboard, wear roller skates or in-line skates, ride or straddle a bicycle while in motion, or ride a scooter or any other self-propelled vehicle or motor-propelled vehicle or device, on or through any part of a terminal, station or train, excluding parking lots and access roads. This provision does not apply to the proper use of self-propelled or motor-propelled vehicles or similar assistive devices by [nonambulatory] persons requiring the use of such device due to a disability.
- (o) burn a lighted cigarette, cigar, pipe or any other matter or substance which contains tobacco or any tobacco substitute or use an electronic cigarette ("vaping");
- (s) carry on or bring to any facility or train any wheeled cart greater than thirty inches in either length or width, including by not limited to shopping or grocery store carts or baskets, or any item that:
  - (1) is so long as to extend outside the window or door of a train;
- (2) constitutes a hazard to the operation of SIRTOA, interferes with passenger traffic, or impedes service; [and] or
- (3) constitutes a danger or hazard to other persons. Nothing contained in this section shall apply to the use of wheelchairs, crutches, canes, or other physical assistance devices

Subdivision (d) of section 1040.7 is amended to read as follows:

- (d) No person shall use any water fountain, drinking fountain, or any other water found in a terminal, station or train for the purpose of washing or cleaning [himself or herself] themselves, [his or her] their clothing, or other personal belongings. This subdivision shall not apply to facilities within the terminals, stations or trains which are specifically designated for personal hygiene purposes (i.e., wash basin, bathroom, shower room) provided, however, that no person shall wash [his or her] their clothes or personal belongings in such areas and that only one person at a time may occupy a shower. No person shall bathe, launder, or change clothes or remain undressed in any public rest room, sink, washroom, or any other area within a terminal, station or train.
- Subdivisions (c), (d), and (e) of section 1040.8 are amended to read as
- (c) Upon request by a police officer or designated employee of the SIRTOA or the authority, a trainer must display proof of affiliation with a professional training school and that the animal is a licensed service animal or an animal being trained as a service animal. [Upon request of a police officer or designated SIRTOA or authority personnel, a passenger must provide evidence that an animal claimed to be a service animal and thus exempt from the provisions of subdivision (a) of this section qualifies as such or is being trained as a service animal. Such evidence may be supplied through: the display of a service animal license issued by the New York City Department of Health, New York State Department of Agriculture and Markets or by other governmental agencies in New York or elsewhere authorized to issue such licenses, the display of an identification from a professional training school that the animal is a trained service animal, the presence of a harness or a marking on a harness, or the credible verbal assurances of the person with a disability using the service animal or animal being trained as such. For purposes of this paragraph, credible verbal assurances may include a description of one or more tasks that the animal performs or is being trained to perform for the benefit of the person with a disability.]
- [(d) As an alternative to any of the methods described in subdivision (c) of this section for providing evidence that an animal meets the definition of service animal, persons with disabilities who use service animals who do not have a service animal license or other written documentation that the accompanying animal is a service animal may apply to the authority for a service animal identification card.]
- [(e) Police officers or designated SIRTOA or authority personnel have the right to refuse admission to or eject any passenger accompanied by an animal, including a service animal, which poses a direct threat to the safety of other passengers.]

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. SIR-20-20-00003-EP, Issue of May 20, 2020. The emergency rule will expire September 24, 2020.

Text of rule and any required statements and analyses may be obtained from: Peter Sistrom, Metropolitan Transportation Authority, 2 Broadway, New York, NY 10004, (212) 878-7176, email: psistrom@mtahq.org

Regulatory Impact Statement

Statutory authority: Section 1204(5-a) of the Public Authorities Law provides that the New York City Transit Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction; Sections 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as they may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities; these amended rules further the Legislature's objective by safeguarding public health and safety, especially during the State disaster emergency related to the COVID-19 outbreak and after.

Needs and benefits: The proposed amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Costs

(a) Regulated parties. The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

(b) State and local government. The proposed amendments to the rules governing conduct and safety will not impose any new costs on State or local governments.

Local government mandates: The proposed amended rules do not impose any new programs, services, duties or responsibilities on local government. The New York City Police Department's Transit Bureau is already responsible with others in enforcing the New York City Transit Authority's Rules Governing the Conduct and Safety of the Public, and the MTA Police Department is responsible for enforcing the comparable rules and regulations governing he conduct and safety of the public on trains and stations operated by the MTA's two commuter railroads.

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: The proposed amended rules seek to improve enforcement of rules governing the public's use of the MTA's facilities and conveyances. No significant alternatives to these amendments were considered.

Federal standards: The proposed amended rules do not exceed any Federal minimum standards.

Compliance schedule: There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency amendments to the existing rules governing the conduct and safety of the public will be effective immediately.

#### Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

A Regulatory Flexibility Analysis, a Rural Area Flexibility Analysis, and a Job Impact Statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

This proposed rulemaking will amend Staten Island Rapid Transit Operating Authority's existing rules of conduct governing the conduct and safety of the public in the use of its facilities and conveyances. Due to its narrow focus, this proposed rule will not impose an adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments in rural or urban areas or on jobs and employment opportunities.

# Assessment of Public Comment

The agency received no public comment.

September 14, 2020, 2:00 p.m.

# HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Location—Date—Time Agency I.D. No. Subject Matter Housing and Community Renewal, Division of HCR-26-20-00012-P..... Schedule of Reasonable Costs for Major 641 Lexington Ave., New York, NY-Capital Improvements in Rent Regulated September 9, 2020, 10:00 a.m. Housing Accommodations Note: hearing may be canceled, re-scheduled or conducted remotely due to COVID-19. Notice of any change shall be provided on the agency's website. **Lake George Park Commission** LGP-29-20-00006-P..... Amendment of Stormwater Regulations Fort William Henry, 48 Canada St., Lake George, NY—September 22, 2020, 4:00 p.m. Within the Lake George Park **Long Island Power Authority** LPA-28-20-00033-EP..... LIPA's Late Payment Charges, Reconnection H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—September 14, Charges, and Low-income Customer Discount Enrollment 2020, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY-

# ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(\*).

For additional information concerning any of the proposals

listed in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency	Issue	Year	Serial	Action
code		published	number	Code
AAM	01	12	00001	P

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule): RP — revised rule making

For additional information concerning any of the proposals rule); RP — revised rule making			
Agency I.D. No.	Expires	Subject Matter	Purpose of Action
AGING, OFFICE FO	OR THE		
AGE-34-19-00014-P	10/05/20	Limits on Administrative Expenses and Executive Compensation	To bring this rule into compliance with current law in New York State
AGRICULTURE AN	ID MARKETS, DEP	ARTMENT OF	
AAM-12-20-00006-P		Calibrating and testing of certain weights and measures standards and devices.	To allow the Dept. to increase the fees it charges in calibrating and testing certain weights & measures standards and devices.
AAM-21-20-00002-P	05/27/21	Milk and Milk Products	To incorporate federal requirements applicable to the processing and manufacture of milk and milk products
AAM-27-20-00001-EP	07/08/21	Spotted Lanternfly ("SL")	To prevent SL-infested articles originating in specific counties in NJ, PA, MD, VA and WV from entering NYS
ALCOHOLISM ANI	D SUBSTANCE ABI	USE SERVICES, OFFICE OF	
ASA-19-20-00001-P	05/13/21	General service standards applicable to outpatient substance use disorder programs	To set-forth the minimum regulatory requirements for certified outpatient substance use disorder treatment programs.

ASA-19-20-00001-P	05/13/21	General service standards applicable to outpatient substance use disorder programs	To set-forth the minimum regulatory requirements for certified outpatient substance use disorder treatment programs.
ASA-28-20-00013-P	07/15/21	Patient Rights	To set-forth the minimum regulatory requirements for patient rights in OASAS certified, funded or otherwise authorized programs
ASA-28-20-00014-P	07/15/21	Specialized Services	To replace the term "chemical dependence" with "addiction"
ASA-28-20-00016-P	07/15/21	Designated Services	To set-forth the minimum regulatory requirements for certified programs to seek an Office designation

Agency I.D. No. **Expires** Subject Matter Purpose of Action CHILDREN AND FAMILY SERVICES, OFFICE OF CFS-46-19-00002-P . . . . . . . . . . . 11/12/20 Behavioral health services, elimination of To implement standards for behavioral health room isolation and authority to operate deservices and the operation of de-escalation rooms and to eliminate room isolation escalation rooms CFS-49-19-00001-P ..... 12/03/20 Limits on executive compensation To remove the soft cap limit on executive compensation CFS-04-20-00009-P ..... 01/28/21 Host Family Homes The proposed regulations would establish standards for the approval and administration of host family homes. CFS-24-20-00001-EP ..... 06/17/21 Medical reviews for child placement To modernize the requirements for medical reviews so that required standards not act as a barrier for child placement CFS-24-20-00014-EP .......... 06/17/21 To implement and enforce emergency health To implement and enforce emergency health guidance as put forward by the Executive guidance as put forward by the Executive Chamber and DOH. Chamber and DOH. To require districts to authorize up to eight To require districts to authorize up to eight CFS-31-20-00001-EP ..... 08/05/21 hours of child care assistance, as needed, to hours of child care assistance, as needed, to assist parents or caretakers assist parents or caretakers CIVIL SERVICE. DEPARTMENT OF CVS-51-19-00002-P Jurisdictional Classification To delete positions from and classify positions in the non-competitive class Jurisdictional Classification CVS-51-19-00003-P To classify a position in the exempt class CVS-51-19-00004-P ..... 12/17/20 Jurisdictional Classification To classify positions in the exempt class CVS-51-19-00005-P Jurisdictional Classification To classify positions in the exempt class ..... 12/17/20 CVS-51-19-00006-P Jurisdictional Classification To classify positions in the exempt class CVS-51-19-00007-P Jurisdictional Classification To classify positions in the non-competitive class CVS-51-19-00008-P Jurisdictional Classification To classify positions in the non-competitive CVS-51-19-00009-P Jurisdictional Classification To classify positions in the non-competitive class CVS-51-19-00010-P Jurisdictional Classification To delete positions from the non-competitive CVS-51-19-00011-P Jurisdictional Classification To delete a position from and classify a position in the exempt class CVS-51-19-00012-P Jurisdictional Classification To classify positions in the non-competitive class CVS-51-19-00013-P ..... 12/17/20 Jurisdictional Classification To classify positions in the non-competitive class CVS-51-19-00014-P Jurisdictional Classification To classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action		
CIVIL SERVICE, I	CIVIL SERVICE, DEPARTMENT OF				
CVS-03-20-00003-P	01/21/21	Jurisdictional Classification	To classify positions in the non-competitive class		
CVS-03-20-00004-P	01/21/21	Jurisdictional Classification	To classify a position in the exempt class		
CVS-03-20-00005-P	01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class		
CVS-03-20-00006-P	01/21/21	Jurisdictional Classification	To classify a position in the non-competitive class		
CVS-03-20-00007-P	01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class		
CVS-06-20-00001-P	02/11/21	Jurisdictional Classification	To classify a position in the non-competitive class		
CVS-06-20-00002-P	02/11/21	Jurisdictional Classification	To classify a position in the exempt class		
CVS-06-20-00003-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class		
CVS-06-20-00004-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class		
CVS-06-20-00005-P	02/11/21	Jurisdictional Classification	To delete positions from the non-competitive class		
CVS-06-20-00006-P	02/11/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class		
CVS-06-20-00007-P	02/11/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class		
CVS-06-20-00008-P	02/11/21	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes		
CVS-13-20-00002-P	04/01/21	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2020		
CVS-13-20-00009-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class		
CVS-13-20-00010-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class		
CVS-13-20-00011-P	04/01/21	Jurisdictional Classification	To delete positions from the exempt class		
CVS-13-20-00012-P	04/01/21	Jurisdictional Classification	To delete positions from the non-competitive class		
CVS-13-20-00013-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class		
CVS-13-20-00014-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class		
CVS-13-20-00015-P	04/01/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class		

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, D	DEPARTMENT OF		
CVS-13-20-00016-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00017-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00018-P	04/01/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-20-00019-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00020-P	04/01/21	Jurisdictional Classification	To delete positions in the non-competitive class
CVS-13-20-00021-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00022-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00023-P	04/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-13-20-00024-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes.
CVS-13-20-00025-P	04/01/21	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-18-20-00004-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00005-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00006-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00007-P	05/06/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-18-20-00008-P	05/06/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-18-20-00009-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00010-P	05/06/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-24-20-00002-P	06/17/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-24-20-00003-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00004-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00005-P	06/17/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-24-20-00006-P	06/17/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-24-20-00007-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, I	DEPARTMENT OF		
CVS-24-20-00008-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00009-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00010-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-28-20-00004-P	07/15/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-28-20-00005-P	07/15/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00006-P	07/15/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00007-P	07/15/21	Jurisdictional Classification	To delete a position from the exempt class
CVS-28-20-00008-P	07/15/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00009-P	07/15/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-28-20-00010-P	07/15/21	Jurisdictional Classification	To classify positions in the non-competitive class.
CVS-28-20-00011-P	07/15/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00012-P	07/15/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-20-00003-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00004-P	08/12/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes
CVS-32-20-00005-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00006-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CORRECTION, S	TATE COMMISSION	OF	
CMC-35-19-00002-P	08/27/20	Disciplinary and administrative segregation of inmates in special housing.	Prohibit the segregation of vulnerable inmates, and to standardize allowable uses and duration of special housing segregation.
CORRECTIONS A	AND COMMUNITY S	UPERVISION, DEPARTMENT OF	
*CCS-21-19-00014-P	09/05/20	Adolescent Offender Facilities	To reclassify two existing correctional facilities to adolescent offender facilities.
CCS-35-19-00001-P	08/27/20	Special Housing Units	Revisions have been made in order to be in compliance with new laws regarding special housing units and solitary confinement use

Agency I.D. No. **Expires** Subject Matter Purpose of Action CRIMINAL JUSTICE SERVICES, DIVISION OF \*CJS-30-19-00010-ERP ..... 10/05/20 Set forth use of force reporting and recordkeeping procedures CJS-19-20-00010-P ..... 05/13/21 Part 364 - Conditional release conditions. Conform to the recent changes made by the Legislature by removing the term "gravity knife". **ECONOMIC DEVELOPMENT, DEPARTMENT OF** ..... 03/04/21 EDV-09-20-00007-RP Minority and Women-Owned Business Update the regulations of the Division of Minority and Women's Business Development Enterprise Program **EDUCATION DEPARTMENT** \*EDU-17-19-00008-P To ensure that newly certified teachers enter To require study in language acquisition and literacy development of English language the workforce fully prepared to serve our ELL learners in certain teacher preparation population \*EDU-27-19-00010-P Substantially Equivalent Instruction for Provide guidance to local school authorities to assist them in fulfilling their responsibilities Nonpublic School Students under the Compulsory Ed Law EDU-11-20-00013-RP ..... 03/23/21 Special Education Impartial Hearing Officers To address volume of special education due and the Special Education Due Process process complaints in the New York City due System Procedures process system EDU-16-20-00002-ERP . . . . . . . . . . 04/22/21 Addressing the COVID-19 Crisis To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis EDU-20-20-00008-ERP ..... 05/20/21 Addressing the COVID-19 Crisis To provide flexibility for certain regulatory requirements in response to the COVID-19 EDU-25-20-00004-P ..... 06/24/21 Alternative High School Equivalency To provide expanded access to and update Preparation and Alternative Transition Alternative High School Equivalency Programs Preparation and Alternative Transition **Programs** EDU-25-20-00005-EP ..... 06/24/21 Addressing the COVID-19 Crisis To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis EDU-25-20-00006-EP ..... 06/24/21 Licensing Examinations in the Profession of Conform the Commissioner's Regulations to Public Accountancy the national licensing examination standards in public accountancy EDU-25-20-00007-EP ..... 06/24/21 Professional Student of Nursing To implement Chapter 502 of the Laws of 2017 and Chapter 380 of the Laws of 2018 EDU-25-20-00008-EP ..... 06/24/21 Eligibility for Participation of Students With To clarify the eligibility requirements for Section 504 or ADA Plans in Interschool participation of students with section 504 or Competition and Inclusive Athletics ADA pans in interschool competition ..... 07/29/21 To create a Transitional J certificate for EDU-30-20-00002-P Creating a transitional J Certificate for Military Spouses spouses of individuals on full-time active duty with the Armed Forces EDU-30-20-00003-P ..... 07/29/21 Creating Safety Nets for the Arts Content To create a safety net for the Arts Content Specialty Tests (CSTs) Specialty Tests (CSTs)

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action		
EDUCATION DEP	ARTMENT				
EDU-30-20-00004-EP	07/29/21	Addressing the COVID-19 crisis and planning for the reopening of schools	To provide regulatory flexibility due to the COVID-19 crisis and to plan for the reopening of schools		
EDU-30-20-00005-P	07/29/21	Creating a Safety Net for the School Building Leader Assessment	To create a safety net for the School Building Leader Assessment		
ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE					
ERD-19-20-00012-P	05/13/21	CO2 Allowance Auction Program	Continued administration and implementation of the CO2 allowance auctions and programs under Part 507		
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF					
ENV-36-19-00003-P	11/07/20	Stationary Combustion Installations	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and lower emission standards.		
ENV-37-19-00003-P	10/05/20	Clarifying determination of jurisdiction under the Endangered and Threatened Fish and Wildlife regulations	To improve the review of projects by removing some project types that are known not to cause harm from the review stream		
ENV-43-19-00010-P	01/06/21	Repeal and replace 6 NYCRR Part 622 and amend 6 NYCRR Part 624, Part 621 and Part 620	To incorporate procedural and legal developments, develop consistency & reflect current practice in DEC hearings		
ENV-53-19-00016-P	03/09/21	Certain substances that contain hydrofluorocarbons, highly-potent greenhouse gases	Remove greenhouse gas emission sources that endanger public health and the environment		
ENV-04-20-00004-EP	01/28/21	Regulations governing commercial fishing of quota managed species.	To improve efficiency, reduce waste, and increase safety in marine commercial fisheries.		
ENV-05-20-00001-P	04/10/21	Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles	Updating to meet with statutory deadline		
ENV-05-20-00002-P	04/10/21	Sulfur-in Fuel Limitations	Limit sulfur in liquid and solid fuels throughout NYS		
ENV-06-20-00018-P	04/16/21	The repeal and replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles	To further reduce harmful volatile organic compounds (VOCs) emitted into the atmosphere.		
ENV-06-20-00019-P	04/16/21	Consumer Products	Reduce Volatile Organic Compound emissions from Consumer Products - those products used in the average household.		
ENV-06-20-00020-P	04/16/21	New Source Review requirements for proposed new major facilities and major modifications to existing facilities.	To conform to federal NSR rule requirements and related court rulings, correct typographical errors, and clarify rule language.		
ENV-11-20-00002-P	03/18/21	Brookfield Trail System.	To protect public safety and natural resources on the Brookfield Trail System.		
ENV-12-20-00001-EP	03/25/21	Regulations governing commercial fishing of Tautog (blackfish).	To revise regulations concerning the commercial harvest of Tautog in New York State.		

State.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action		
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF					
ENV-15-20-00015-EP	04/15/21	Regulations governing commercial and recreational fishing for striped bass.	To amend 6 NYCRR Parts 10 and 40 pertaining to commercial and recreational regulations for striped bass.		
ENV-17-20-00005-P	04/29/21	The above referenced Parts make up the Department's air pollution control permitting program.	The purpose of this rulemaking is to improve the clarity and consistency of the Department's air pollution permitting program		
ENV-17-20-00006-P	04/29/21	Emission Statements	The purpose of this rule making is to require electronic submittal of annual emission statements beginning in 2022.		
ENV-17-20-00007-P	04/29/21	CO2 Budget trading program	To lower the emissions cap established under Part 242.		
ENV-21-20-00003-EP	05/27/21	Regulations governing the recreational harvest of bluefish	To revise regulations concerning the recreational harvest of bluefish in New York State		
ENV-22-20-00003-P	06/03/21	Amendments to New York State migratory game bird hunting regulations	To bring New York State migratory game bird hunting regulations into compliance with Federal Code of Regulations		
ENV-22-20-00004-P	06/03/21	Amendments to New York State mink, muskrat, and beaver trapping season dates	To align existing mink, muskrat and beaver trapping season start dates and adjust the seasons to trapper-preferred dates		
FINANCIAL SERVICES, DEPARTMENT OF					
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company		
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liabilty Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company		
DFS-33-19-00004-RP	01/03/21	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To set forth minimum standards for the content of health insurance identification cards.		
DFS-43-19-00017-P	10/22/20	Independent Dispute Resolution for Emergency Services and Surpsise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided		
DFS-11-20-00001-P	03/18/21	Corporate Governance	To require an authorized insurer to adopt a corporate governance framework and file an annual disclosure		
DFS-24-20-00015-EP	06/17/21	Paid Family Leave COVID-19 Risk Adjustment Mechanism	Establishment of a risk adjustment mechanism as required by Chapter 25 of the Laws of 2020		
DFS-27-20-00002-P	07/08/21	Mental Health and Substance Use Disorder Treatment Parity Compliance Program	To establish mental health and substance use disorder parity compliance program requirements		
GAMING COMMISSION, NEW YORK STATE					
SGC-22-20-00008-P	06/03/21	Permit harness horses to race without qualifying in extraordinary circumstances	To enhance harness racing in New York and promote a reasonable return for government		

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GAMING COMMIS	SION, NEW YORK	STATE	
SGC-22-20-00009-P	06/03/21	Technical changes to correct cross-references in the regulations	To correct cross-references in the regulations
GENERAL SERVI	CES, OFFICE OF		
GNS-40-19-00005-P	10/01/20	Facility Use	To add "plastic knuckles" and remove "gravity knife" from the definition of "deadly weapon"
HEALTH, DEPART	MENT OF		
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-30-19-00006-RP	10/05/20	Maximum Contaminant Levels (MCLs)	Incorporating MCLs for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS) and 1,4-dioxane.
HLT-36-19-00006-P	10/05/20	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.
HLT-40-19-00004-P	10/05/20	Drug Take Back	To implement the State's drug take back program to provide for the safe disposal of drugs
HLT-46-19-00003-P	11/12/20	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
HLT-47-19-00008-P	11/19/20	Hospital Medical Staff - Limited Permit Holders	To repeal extra years of training required for limited permit holders to work in New York State hospitals.
HLT-47-19-00009-P	11/19/20	Empire Clinical Research Investigator Program (ECRIP)	To expand the types of & change the time frames for past research grants that qualify staff to supervise the ECRIP project.
HLT-51-19-00001-P	12/17/20	Women, Infants and Children (WIC) Program	To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria.
HLT-53-19-00001-P	12/30/20	Prohibition on the Sale of Electronic Liquids with Characterizing Flavors	To prohibit the sale of electronic liquids with characterizing flavors
HLT-53-19-00011-P	12/30/20	Cardiac Services	To amend existing Certificate of Need requirements for approval of adult cardiac surgery centers.
HLT-53-19-00012-P	12/30/20	Consumer Directed Personal Assistance Program Reimbursement	To establish a program to pay home care services & establish a methodology framework for the payment of FI administrative costs.
HLT-04-20-00002-P	01/28/21	Reducing Annual Tuberculosis Testing of Health Care Workers	To replace annual tuberculosis testing of health care workers.
HLT-04-20-00003-P	01/28/21	Applied Behavior Analysis	To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.
HLT-04-20-00011-P	01/28/21	Nursing Home Case Mix Rationalization	To authorize the Department of Health to change the case mix acuity process for all nursing homes.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPART	MENT OF		
HLT-04-20-00012-P	01/28/21	State Aid for Public Health Services: Counties and Cities	Clarifying State Aid payments for maintaining a cooling tower program.
HLT-11-20-00003-P	03/18/21	Adult Day Health Care (ADHC)	To allow for reimbursement of real property leases in certain situations when used for operations of an ADHC program
HLT-27-20-00005-P	07/08/21	Private Duty Nursing Services to Medically Fragile Children	To amend the Medicaid reimbursement for fee- for-service private duty nursing provided to medically fragile children
HLT-27-20-00006-P	07/08/21	Medicaid Managed Care State Fair Hearings and External Appeals Processes and Standards	To address & clarify rules of procedure & presentation of evidence for Medicaid managed care fair hearings & external appeals
HLT-27-20-00007-P	07/08/21	Development of Mental Health and Substance Use Disorder Parity Compliance Programs	To establish standards for a mental health and substance use disorder parity compliance program
HLT-28-20-00019-P	07/15/21	Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP)	To implement a revised assessment process and eligibility criteria for PCS and CDPAP
HLT-31-20-00012-EP	exempt	Hospital Non-comparable Ambulance Acute Rate Add-on	Prevents duplicate claiming by Article 28 hospitals for the ambulance add-on regarding participation in the program
HLT-32-20-00002-EP	08/12/21	Controlled Substances	To ensure access to medicine that was formerly classified as a controlled substance
HLT-32-20-00007-EP	exempt	Upper Payment Limit (UPL) Rate Add-ons	To include UPL rate add-ons in the rates of payment for acute, specialty long term care acute and emergency department services.
HOUSING AND CO	OMMUNITY RENEW	AL, DIVISION OF	
*HCR-21-19-00019-P	10/05/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation o flow-income housing tax credits.
HCR-26-20-00012-EP	09/09/21	Schedule of Reasonable Costs for Major Capital Improvements in rent regulated housing accommodations	Provide a schedule of reasonable costs for Major Capital Improvements in rent regulated housing accommodations
HOUSING FINANC	CE AGENCY		
*HFA-21-19-00020-P	10/05/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits
HUDSON RIVER F	PARK TRUST		
HPT-19-20-00011-P	05/13/21	Amendment of rules and regulations for Hudson River Park	To create a new penalty schedule for the enforcement of violations of Park rules
JOINT COMMISSION	ON ON PUBLIC ETI	HICS, NEW YORK STATE	
JPE-28-20-00031-P	07/15/21	Source of funding reporting	Clarifying amendments to Source of Funding reporting

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
JOINT COMMISSI	ON ON PUBLIC ETI	HICS, NEW YORK STATE	
JPE-28-20-00032-P	07/15/21	Amendments to the lobbying regulations	To clarify the lobbying regulations that implement the provisions of the Lobbying Act
LABOR, DEPART	MENT OF		
LAB-46-19-00004-P	11/12/20	NY State Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards
LAKE GEORGE P	ARK COMMISSION		
LGP-29-20-00006-P	09/22/21	Amendment of Stormwater Regulations within the Lake George Park	To more adequately control and minimize the pollutants found in stormwater runoff from going into Lake George
LAW, DEPARTME	NT OF		
LAW-15-20-00017-P	04/15/21	investment advisers defined under GBL § 359-eee	Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration.
LAW-15-20-00018-P	04/15/21	Brokers, dealers and salespersons defined under GBL § 359-e	Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration.
LAW-18-20-00002-P	05/06/21	Designation of a Privacy Officer	Removal of a named Privacy Officer., along with their contact information
LONG ISLAND PO	OWER AUTHORITY		
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.

Agency I.D. No. **Expires** Subject Matter Purpose of Action LONG ISLAND POWER AUTHORITY LIPA's late payment charges, reconnection LPA-28-20-00033-EP To allow waiver of late payment and ..... exempt charges, and low-income customer discount reconnection charges and extend the grace enrollment period for re-enrolling in customer bill discounts LONG ISLAND RAILROAD COMPANY ..... 05/20/21 LIR-20-20-00005-EP The conduct and safety of the public in the To safeguard the public health and safety by use of terminals, stations, and trains operated amending rules concerning appropriate and by The Long Island Railroad Company safe uses of terminals and stations MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY To safeguard the public health and safety by MBA-20-20-00002-EP ..... 05/20/21 The conduct and safety of the public in the use of facilities and conveyances operated by amending existing rules concerning appropriate the MaBSTOA and safe use of the transit system MEDICAID INSPECTOR GENERAL. OFFICE OF MED-28-20-00029-P ..... 07/15/21 Monetary Penalties To amend regulations governing the imposition of monetary penalties under the Medicaid program MENTAL HEALTH, OFFICE OF ............ 11/19/20 Limits on Executive Compensation OMH-47-19-00001-P To eliminate "soft cap" restrictions on compensation. OMH-12-20-00003-P ..... 03/25/21 Uncompensated care funds issued pursuant To ensure the appropriate allocation of uncompensated care funds. to the Indigent Care Program. OMH-18-20-00003-P ......... 05/06/21 Clinic Treatment Plans To provide more flexibility in the development and execution of an individual's treatment plan METRO-NORTH COMMUTER RAILROAD To safeguard the public health and safety by MCR-20-20-00004-EP .......... 05/20/21 The conduct and safety of the public in the use of terminal, stations, and trains operated amending rules concerning appropriate and by Metro-North Commuter Railroad safe uses of terminal and stations MOTOR VEHICLES, DEPARTMENT OF MTV-28-20-00001-P ..... 07/15/21 Limited Use Vehicles - Equipment Removes an obsolete, unnecessary requirement for seat height on 2 and 3 wheeled limited use motorcycles MTV-28-20-00002-P ..... 07/15/21 Safety Criteria for Registration - Motorcycles removes an obsolete, unnecessary requirement for seat height on motorcycles makes minor technical change removing an MTV-28-20-00030-P ..... 07/15/21 Dealer and transporters -procedures used for certificates of sale obsolete reference and conforms regulation with federal regulation **NEW YORK CITY TRANSIT AUTHORITY** NTA-20-20-00001-EP The conduct and safety of the public in the To safeguard the public health and safety by ..... 05/20/21 use of facilities and conveyances operated by amending existing rules concerning appropriate New York City Transit Authority and safe use of the transit system

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
NIAGARA FALLS	WATER BOARD		
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
OGDENSBURG BR	RIDGE AND PORT	AUTHORITY	
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*OBA-07-19-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PARKS, RECREAT	TION AND HISTORI	C PRESERVATION, OFFICE OF	
PKR-23-20-00005-EP	06/10/21	face coverings, social distancing and dispersal of groups not from the same household or family unit	To encourage patrons to wear face coverings or stay six feet away from other patrons and not congregate in groups at parks
PKR-29-20-00001-P	07/22/21	Listing of state parks, parkways, recreation facilities and historic sites (facilities). New York City Region	To update the listing of state parks, parkways, recreation facilities and historic sites in the New York City Region
PEOPLE WITH DE	VELOPMENTAL DI	SABILITIES, OFFICE FOR	
PDD-29-20-00002-EP	07/22/21	Operating Certificates	Outlines the required operating certificates for providers who intend to provide care coordination sand crisis intervention
POWER AUTHORI	TY OF THE STATE	OF NEW YORK	
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC SERVICE	COMMISSION		
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification

Agency I.D. No. **Expires** Subject Matter Purpose of Action **PUBLIC SERVICE COMMISSION** \*PSC-36-03-00010-P exempt Performance assurance plan by Verizon New To consider changes Receipt of payment of bills by St. Lawrence \*PSC-40-03-00015-P exempt To revise the process . . . . . . . . . . . . Gas Company \*PSC-41-03-00010-P .... exempt Annual reconciliation of gas expenses and To consider filings of various LDCs and gas cost recoveries municipalities \*PSC-41-03-00011-P Annual reconciliation of gas expenses and To consider filings of various LDCs and ..... exempt gas cost recoveries municipalities \*PSC-44-03-00009-P ..... exempt Retail access data between jurisdictional To accommodate changes in retail access utilities market structure or commission mandates \*PSC-02-04-00008-P Delivery rates for Con Edison's customers in To rehear the Nov. 25, 2003 order ..... exempt New York City and Westchester County by the City of New York Transfer of ownership interest by SCS Energy To transfer interest in Steinway Creek Electric \*PSC-06-04-00009-P exempt LLC and AE Investors LLC Generating Company LLC to AE Investors LLC \*PSC-10-04-00005-P Temporary protective order To consider adopting a protective order ..... exempt Interconnection agreement between Verizon \*PSC-10-04-00008-P ..... exempt To amend the agreement New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue Submetering of natural gas service to \*PSC-14-04-00008-P ..... exempt To submeter gas service to commercial industrial and commercial customers by customers located at the Buffalo Speedway Hamburg Fairgrounds \*PSC-15-04-00022-P ..... exempt Submetering of electricity by Glenn Gardens To permit submetering at 175 W. 87th St., New Associates, L.P. York, NY \*PSC-21-04-00013-P ..... exempt Verizon performance assurance plan by To clarify the appropriate performance level Metropolitan Telecommunications \*PSC-22-04-00010-P Approval of new types of electricity meters by To permit the use of the PE-1250 electronic exempt Powell Power Electric Company meter Major gas rate increase by Consolidated \*PSC-22-04-00013-P exempt To increase annual gas revenues Edison Company of New York, Inc. Master metering of water by South Liberty To waive the requirement for installation of \*PSC-22-04-00016-P exempt Corporation separate water meters \*PSC-25-04-00012-P Interconnection agreement between Frontier To amend the agreement ..... exempt Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P. \*PSC-27-04-00008-P ..... exempt Interconnection agreement between Verizon To amend the agreement New York Inc. and various Verizon wireless affiliates \*PSC-27-04-00009-P ..... exempt Interconnection agreement between Verizon To amend the agreement New York Inc. and various Verizon wireless affiliates

Agency I.D. No.	Expires	Subject Matter	Purpose of Action		
PUBLIC SERVICE	PUBLIC SERVICE COMMISSION				
*PSC-28-04-00006-P	exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit		
*PSC-31-04-00023-P	exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form		
*PSC-34-04-00031-P	exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates		
*PSC-35-04-00017-P	exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers		
*PSC-43-04-00016-P	exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable		
*PSC-46-04-00012-P	exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes		
*PSC-46-04-00013-P	exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices		
*PSC-02-05-00006-P	exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors		
*PSC-09-05-00009-P	exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer		
*PSC-14-05-00006-P	exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year		
*PSC-18-05-00009-P	exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program		
*PSC-20-05-00028-P	exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee		
*PSC-25-05-00011-P	exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11		
*PSC-27-05-00018-P	exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied		
*PSC-41-05-00013-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings		
*PSC-45-05-00011-P	exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs		
*PSC-46-05-00015-P	exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale		
*PSC-47-05-00009-P	exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer		

Agency I.D. No. **Expires** Subject Matter Purpose of Action **PUBLIC SERVICE COMMISSION** Long-term debt by Saratoga Glen Hollow \*PSC-50-05-00008-P exempt To obtain long-term debt Water Supply Corp. Transfer of ownership interests by Mirant NY-\*PSC-04-06-00024-P exempt To approve of the transfer Gen LLC and Orange and Rockland Utilities, Inc. \*PSC-06-06-00015-P ..... exempt Gas curtailment policies and procedures To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established \*PSC-07-06-00009-P ..... exempt Modification of the current Environmental To include an attributes accounting system Disclosure Program Hourly pricing by National Grid \*PSC-22-06-00019-P ..... exempt To assess the impacts \*PSC-22-06-00020-P exempt Hourly pricing by New York State Electric & To assess the impacts . . . . . . . . . . . . Gas Corporation Hourly pricing by Rochester Gas & Electric To assess the impacts \*PSC-22-06-00021-P exempt Corporation \*PSC-22-06-00022-P Hourly pricing by Consolidated Edison To assess the impacts exempt Company of New York, Inc. Hourly pricing by Orange and Rockland \*PSC-22-06-00023-P ..... exempt To assess the impacts Utilities, Inc. To extend the deadline to Central Hudson's \*PSC-24-06-00005-EP exempt Supplemental home energy assistance . . . . . . . . . . . . . benefits low-income customers \*PSC-25-06-00017-P Purchased power adjustment by Massena To revise the method of calculating the ..... exempt Electric Department purchased power adjustment and update the factor of adjustment \*PSC-34-06-00009-P ..... exempt Inter-carrier telephone service quality To incorporate appropriate modifications standards and metrics by the Carrier Working Group \*PSC-37-06-00015-P ..... exempt Procedures for estimation of customer bills by To consider estimation procedures Rochester Gas and Electric Corporation \*PSC-37-06-00017-P Procedures for estimation of customer bills by To consider estimation procedures ..... exempt Rochester Gas and Electric Corporation \*PSC-43-06-00014-P ..... exempt Electric delivery services by Strategic Power To determine the proper mechanism for the Management, Inc. rate-recovery of costs \*PSC-04-07-00012-P ..... exempt Petition for rehearing by Orange and To clarify the order Rockland Utilities, Inc. \*PSC-06-07-00015-P exempt Meter reading and billing practices by Central To continue current meter reading and billing Hudson Gas & Electric Corporation practices for electric service Meter reading and billing practices by Central \*PSC-06-07-00020-P exempt To continue current meter reading and billing . . . . . . . . . . . . Hudson Gas & Electric Corporation practices for gas service \*PSC-11-07-00010-P Investigation of the electric power outages by To implement the recommendations in the .... exempt the Consolidated Edison Company of New staff's investigation York. Inc.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-11-07-00011-P	exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies

Purpose of Action

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Agency I.D. No. **PUBLIC SERVICE COMMISSION** To consider the transfer Transfer of ownership by Entergy Nuclear \*PSC-08-08-00016-P exempt Fitzpatrick LLC, et al. Extend the provisions of the existing electric \*PSC-12-08-00019-P ..... exempt To consider the request rate plan by Rochester Gas and Electric Corporation \*PSC-12-08-00021-P ..... exempt Extend the provisions of the existing gas rate To consider the request plan by Rochester Gas and Electric Corporation \*PSC-13-08-00011-P .... exempt Waiver of commission policy and NYSEG To grant or deny Turner's petition tariff by Turner Engineering, PC \*PSC-13-08-00012-P Voltage drops by New York State Electric & ..... exempt To grant or deny the petition Gas Corporation \*PSC-23-08-00008-P ..... exempt Petition requesting rehearing and clarification To consider whether to grant or deny, in whole of the commission's April 25, 2008 order or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and denying petition of public utility law project clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project \*PSC-25-08-00007-P ..... exempt Policies and procedures regarding the To establish policies and procedures regarding selection of regulatory proposals to meet the selection of regulatory proposals to meet reliability needs reliability needs \*PSC-25-08-00008-P ..... exempt Report on Callable Load Opportunities Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years To consider Con Edison's implementation plan \*PSC-28-08-00004-P ..... exempt Con Edison's procedure for providing customers access to their account information and timetable for providing customers access to their account information Recovery of reasonable DRS costs from the To authorize recovery of the DRS costs from \*PSC-31-08-00025-P ..... exempt the CMR cost mitigation reserve (CMR) The ESCO referral program for KEDNY to be \*PSC-32-08-00009-P ..... exempt To approve, reject or modify, in whole or in implemented by October 1, 2008 part, KEDNY's recommended ESCO referral program \*PSC-33-08-00008-P Noble Allegany's request for lightened To consider Noble Allegany's request for ..... exempt lightened regulation as an electric corporation regulation Land Transfer in the Borough of Manhattan, \*PSC-36-08-00019-P ..... exempt To consider petition for transfer of real property to NYPH New York \*PSC-39-08-00010-P ..... exempt RG&E's economic development plan and Consideration of the approval of RG&E's economic development plan and tariffs tariffs \*PSC-40-08-00010-P .... exempt Loans from regulated company to its parent To determine if the cash management program resulting in loans to the parent should be approved \*PSC-41-08-00009-P Transfer of control of cable TV franchise To determine if the transfer of control of ..... exempt Margaretville's cable TV subsidiary should be approved

Subject Matter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-43-08-00014-P	exempt	Annual Reconcilliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing

Agency I.D. No. **Expires** Subject Matter Purpose of Action **PUBLIC SERVICE COMMISSION** \*PSC-05-09-00009-P Numerous decisions involving the steam To consider the long term impacts on steam ..... exempt system including cost allocation, energy rates and on public policy of various options efficiency and capital projects concerning the steam system \*PSC-06-09-00007-P ..... exempt Interconnection of the networks between To review the terms and conditions of the Frontier Comm. and WVT Communications negotiated agreement between Frontier Comm. for local exchange service and exchange and WVT Comm. access \*PSC-07-09-00015-P .... exempt Transfer certain utility assets located in the To consider the request to transfer certain Town of Montgomery from plant held for utility assets located in the Town of future use to non-utility property Montgomery to non-utility assets \*PSC-07-09-00017-P Request for authorization to defer the To allow the company to defer the incremental ..... exempt incremental costs incurred in the restoration costs incurred in the restoration work resulting work resulting from the ice storm from the ice storm \*PSC-07-09-00018-P Whether to permit the submetering of natural To consider the request of Cooper Union, to .... exempt gas service to an industrial and commercial submeter natural gas at 41 Cooper Square, customer at Cooper Union, New York, NY New York, New York \*PSC-12-09-00010-P Charges for commodity To charge customers for commodity costs ..... exempt To charge customers for commodity costs \*PSC-12-09-00012-P ..... exempt Charges for commodity \*PSC-13-09-00008-P ..... exempt Options for making additional central office To consider options for making additional codes available in the 718/347 numbering central office codes available in the 718/347 numbering plan area plan area To determine whether the regulation of revenue \*PSC-14-09-00014-P ..... exempt The regulation of revenue requirements for municipal utilities by the Public Service requirements for municipal utilities should be Commission modified \*PSC-16-09-00010-P .... exempt Petition for the submetering of electricity To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York \*PSC-16-09-00020-P ..... exempt Whether SUNY's core accounts should be Whether SUNY's core accounts should be exempt from the mandatory assignment of exempt from the mandatory assignment of local distribution company (LDC) capacity local distribution company (LDC) capacity \*PSC-17-09-00010-P Whether to permit the use of Elster REX2 To permit electric utilities in New York State to ..... exempt solid state electric meter for use in residential use the Elster REX2 and commerical accounts \*PSC-17-09-00011-P Whether Brooklyn Navy Yard Cogeneration Whether Brooklyn Navy Yard Cogeneration ..... exempt Partners, L.P. should be reimbursed by Con Partners, L.P. should be reimbursed by Con Edison for past and future use taxes Edison for past and future use taxes To consider the request of Turner Construction, \*PSC-17-09-00012-P ..... exempt Petition for the submetering of gas at to submeter natural gas at 550 Short Ave.. & commercial property 10 South St., Governors Island, NY \*PSC-17-09-00014-P ..... exempt Benefit-cost framework for evaluating AMI To consider a benefit-cost framework for programs prepared by the DPS Staff evaluating AMI programs prepared by the DPS \*PSC-17-09-00015-P ..... exempt The construction of a tower for wireless To approve, reject or modify the petition to antennas on land owned by National Grid build a tower for wireless antennas in the Town of Onondaga

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-18-09-00012-P	exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	exempt	Interconnection of the networks between Vernon and tw telecom of new york I.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york I.p.
*PSC-27-09-00014-P	exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00011-P	exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-36-09-00008-P	exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer- generated steam to the Con Edison steam system
*PSC-37-09-00016-P	exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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*PSC-12-10-00015-P	exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of- way management practices
*PSC-19-10-00022-P	exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-40-10-00014-P	exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	exempt	Commission proceeding concerning three- phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-26-11-00009-P	exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	exempt	Petition requesting the Commssion reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-11-12-00002-P	exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-45-12-00010-P	exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level o competition and practical considerations

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-25-13-00008-P	exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-45-13-00023-P	exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality andthe Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance

Purpose of Action

**Expires** 

Agency I.D. No.

**PUBLIC SERVICE COMMISSION** Provision for the recovery and allocation of \*PSC-11-14-00003-P To consider the recovery and allocation of .... exempt costs of transmission projects that reduce costs of transmission projects that reduce congestion on certain interfaces congestion on certain interfaces Whether to order NYSEG to provide gas To order gas service to customers in the Town \*PSC-16-14-00014-P .... exempt of Plattsburgh after approval of a town wide service to customers when an expanded CPCN is approved and impose PSL 25-a CPCN and to impose penalties. penalties. \*PSC-16-14-00015-P .... exempt Whether Central Hudson should be permitted Consideration of the petition by Central Hudson to defer obligations of the Order issued on to defer reporting obligations of the October 18, October 18, 2013 in Case 13-G-0336. 2013 Order in Case 13-G-0336 \*PSC-17-14-00003-P Con Edison's Report on its 2013 performance Con Edison's Report on its 2013 performance ..... exempt under the Electric Service Reliability under the Electric Service Reliability Performance Mechanism Performance Mechanism \*PSC-17-14-00004-P To consider certain portions of petitions for To consider certain portions of petitions for .... exempt rehearing, reconsideration and/or clarification rehearing, reconsideration and/or clarification To consider petitions for rehearing, To consider petitions for rehearing, \*PSC-17-14-00007-P ..... exempt reconsideration and/or clarification reconsideration and/or clarification \*PSC-17-14-00008-P To consider certain portions of petitions for To consider certain portions of petitions for ..... exempt rehearing, reconsideration and/or clarification rehearing, reconsideration and/or clarification \*PSC-19-14-00014-P Market Supply Charge To make tariff revisions to the Market Supply ..... exempt Charge for capacity related costs \*PSC-19-14-00015-P To permit gas utilities in New York State to use ..... exempt Whether to permit the use of the Sensus the Sensus accuWAVE 415TC gas meter accuWAVE for use in residential and commercial gas meter applications \*PSC-22-14-00013-P ..... exempt Petition to transfer and merge systems, To consider the Comcast and Time Warner franchises and assets. Cable merger and transfer of systems. franchises and assets \*PSC-23-14-00010-P ..... exempt Whether to permit the use of the GE Dresser To permit gas utilities in New York State to use Series B3-HPC 11M-1480 rotary gas met for the GE Dresser Series B3-HPC 11M-1480 use in industrial gas meter applications rotary gas meter Waiver of the negative revenue adjustment Consideration of KEDLI's waiver request \*PSC-23-14-00014-P ..... exempt associated with KEDLI's 2013 Customer pertaining to its 2013 performance under its Satisfaction Performance Metric Customer Satisfaction Metric \*PSC-24-14-00005-P To examine LDC's performance and To improve gas safety performance. ..... exempt performance measures. \*PSC-26-14-00013-P Waiver of RG&E's tariffed definition of To consider waiver of RG&E's tariffed definition ..... exempt emergency generator. of emergency generator. \*PSC-26-14-00020-P New electric utility backup service tariffs and To encourage development of microgrids that ..... exempt standards for interconnection may be enhance the efficiency, safety, reliability and adopted. resiliency of the electric grid. \*PSC-26-14-00021-P Consumer protections, standards and To balance the need for the information .... exempt protocols pertaining to access to customer necessary to support a robust market with data may be established. customer privacy concerns. \*PSC-28-14-00014-P Petition to transfer systems, franchises and To consider the Comcast and Charter transfer ..... exempt of systems, franchise and assets. assets.

Subject Matter

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-30-14-00023-P	exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3, it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-40-14-00009-P	exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination o the Winter Bundled Sales charge
*PSC-48-14-00014-P	exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY
*PSC-01-15-00014-P	exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter

Agency I.D. No.	Expires	Subject Matter	D
Agency I.D. No.	•	Gabject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-13-15-00028-P	exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long- term debt of \$2.75 million
*PSC-18-15-00005-P	exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93

with NERC's new Bulk Electric System (BES) compliance requirements compliance requirements with NERC's new Bulk Electric System (BES) compliance requirements with New Compliance requirements with new compliance requirements with new compliance requirements  "PSC-44-15-00013-P  exempt Whitepaper on Implementing Lightened Ratemaking Regulation.  "PSC-48-15-00011-P  exempt Proposal to retire Huntley Units 67 and 68 on March 1, 2016.  "PSC-50-15-00006-P  exempt The reduction of rates.  "PSC-50-15-00006-P  exempt Notice of Intent to submeter electricity.  "PSC-50-15-00008-P  exempt Modification of the EDP  "PSC-01-16-00005-P  exempt Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices  "PSC-04-16-00007-P  exempt Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.  "PSC-04-16-00012-P  exempt Proposal to morthball three gas turbines located at the Astoria Gas Turbine Generating Station.  "PSC-06-16-00013-P  exempt Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.  "PSC-06-16-00013-P  exempt Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.  "PSC-06-16-00013-P  exempt Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.  "PSC-06-16-00013-P  exempt Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.  To consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.  To ensure consumer protections with residential and small non-residential E- customers.  To ensure consumer protection for ES- customers.				, , , , , , , , , , , , , , , , , , , ,
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PSC-50-15-0009-P exempt Notice of Intent to submeter electricity.  To consider the request to submeter et at 31-33 Lincoln Road and 510 Flatbus Avenue, Brooklyn, New York.  PSC-51-15-00010-P exempt Modification of the EDP To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices  PSC-01-16-00005-P exempt Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.  PSC-04-16-00007-P exempt Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.  PSC-04-16-00013-P exempt Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station.  PSC-06-16-00013-P exempt Continued deferral of approximately Station are uneconomic.  PSC-06-16-00014-P exempt Resetting retail markets for ESCO mass market customers.  PSC-14-16-00003-P exempt Amendments of the Uniform Business Practices  To consider the request to submeter et at 31-33 Lincoln Road and 510 Flatbus Avenue, Brooklyn, New York.  To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices  Consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices  Consider the proposed mothball of thre turbines located at the Astoria Gas Turbine Generating Station.  Consider the proposed mothball of thre turbines located at the Astoria Gas Turbine Generating Station.  Consider the proposed mothball of thre turbines located at the Astoria Gas Turbine Generating Station.  Consider whether three gas turbines in the Astoria Gas Turbine Generating Station.  To consider the continued deferral of approximately S16,000,000 in site investigation and remediation costs.  PSC-06-16-00014-P exempt Resetting retail markets for ESCO mass market customers.  To ensure consumer protection for ESC customers.	*PSC-48-15-00011-P	exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
at 31-33 Lincoln Road and 510 Flatbur Avenue, Brooklyn, New York.  *PSC-51-15-00010-P  *PSC-01-16-00005-P  *PSC-01-16-00005-P  *PSC-04-16-00007-P  *PSC-04-16-00007-P  *PSC-04-16-00012-P  *PSC-04-16-00013-P  *PSC-04-16-00013-P  *PSC-06-16-00013-P  *PSC-06-16-00014-P  *PSC-06-16-00014-P  *PSC-06-16-00014-P  *PSC-06-16-00014-P  *PSC-06-16-00014-P  *PSC-18-16-00016-P  *PSC-18-16-00016-P  *PSC-18-16-00017-P  *PSC-18-16-00016-P  *PSC-18-16-00017-P  *PSC-18-16-00017-P  *PSC-18-16-00017-P  *PSC-18-16-00017-P  *PSC-18-16-00018-P	*PSC-50-15-00006-P	exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-04-16-00005-P exempt Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices  *PSC-04-16-00007-P exempt Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.  *PSC-04-16-00012-P exempt Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.  *PSC-04-16-00013-P exempt Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.  *PSC-06-16-00013-P exempt Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.  *PSC-06-16-00014-P exempt MEGA's proposed demonstration CCA program.  *PSC-14-16-00008-P exempt Amendments to the Uniform Business Practices of ESCOs.  *PSC-18-16-00014-P exempt Amendments to the Uniform Business Practices of ESCOs.  *PSC-18-16-00015-P exempt Petitions for rehearing of the Order Resetting To ensure consumer protections for ESCOs.  *PSC-18-16-00015-P exempt Petitions for rehearing of the Order Resetting To ensure consumer protections for ESCOs.	*PSC-50-15-00009-P	exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
Attachment 1.A of the Uniform Business Practices  Practices  Proctices  Proctices  Practices  Attachment 1.A of the Uniform Business Practices of ESCOs.  To ensure consumer protection for EScustomers.  PSC-18-16-00015-P  Exempt  Amendments to the Uniform Business Practices of ESCOs.  To ensure consumer protection for EScustomers.  PSC-18-16-00015-P  Exempt  Amendments to the Uniform Business Practices of ESCOs.  To ensure consumer protection for EScustomers.	*PSC-51-15-00010-P	exempt	Modification of the EDP	To consider modifying the EDP
be permitted to construct and operate a municipal gas distribution facility.  *PSC-04-16-00012-P  *PSC-04-16-00012-P  *PSC-04-16-00013-P  *PSC-04-16-00013-P  *PSC-06-16-00013-P  *PSC-06-16-00014-P  *PSC-06-16-00014-P  *PSC-14-16-00008-P  *Resetting retail markets for ESCO mass market customers.  *PSC-18-16-00013-P  *PSC-18-16-00014-P  *PSC-18-16-00015-P  *PSC-18-1	*PSC-01-16-00005-P	exempt	Attachment 1.A of the Uniform Business	Attachment 1.A of the Uniform Business
located at the Astoria Gas Turbine Generating Station.  *PSC-04-16-00013-P  exempt Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station.  *PSC-06-16-00013-P  exempt Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.  *PSC-06-16-00014-P  exempt MEGA's proposed demonstration CCA program.  *PSC-14-16-00008-P  exempt Resetting retail markets for ESCO mass market customers.  *PSC-18-16-00013-P  exempt Amendments to the Uniform Business Practices of ESCOs.  *PSC-18-16-00014-P  exempt Amendments to the Uniform Business Practices of ESCOs.  *PSC-18-16-00015-P  exempt Petitions for rehearing of the Order Resetting To ensure consumer protections for ESCOs.  *PSC-18-16-00015-P  exempt Petitions for rehearing of the Order Resetting To ensure consumer protections for ESCOs.	*PSC-04-16-00007-P	exempt	be permitted to construct and operate a	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
blocated at the Astoria Gas Turbine Generating Stuneconomic.  *PSC-06-16-00013-P exempt Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.  *PSC-06-16-00014-P exempt MEGA's proposed demonstration CCA program.  *PSC-14-16-00008-P exempt Resetting retail markets for ESCO mass market customers.  *PSC-18-16-00013-P exempt Amendments to the Uniform Business Practices of ESCOs.  *PSC-18-16-00014-P exempt Amendments to the Uniform Business Practices of ESCOs.  *PSC-18-16-00015-P exempt Petitions for rehearing of the Order Resetting To ensure consumer protections for ESCOs.  *PSC-18-16-00015-P exempt Petitions for rehearing of the Order Resetting To ensure consumer protections for ESCOs.	*PSC-04-16-00012-P	exempt	located at the Astoria Gas Turbine Generating	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
\$16,000,000 in site investigation and remediation costs.  *PSC-06-16-00014-P  *PSC-06-16-00014-P  *PSC-14-16-00008-P  *PSC-14-16-00013-P  *PSC-18-16-00014-P  *PSC-18-16-00014-P  *PSC-18-16-00015-P  *PSC-18-	*PSC-04-16-00013-P	exempt	located at the Astoria Gas Turbine Generating	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-14-16-00008-P exempt Resetting retail markets for ESCO mass market customers.  *PSC-18-16-00013-P exempt Amendments to the Uniform Business Practices of ESCOs.  *PSC-18-16-00014-P exempt Amendments to the Uniform Business Practices of ESCOs.  *PSC-18-16-00015-P exempt Petitions for rehearing of the Order Resetting To ensure consumer protections for ESCOs.  *PSC-18-16-00015-P exempt Petitions for rehearing of the Order Resetting To ensure consumer protections for ESCOs.	*PSC-06-16-00013-P	exempt	\$16,000,000 in site investigation and	approximately \$16,000,000 in site investigation
*PSC-18-16-00013-P exempt Amendments to the Uniform Business Practices of ESCOs.  *PSC-18-16-00014-P exempt Amendments to the Uniform Business Customers.  *PSC-18-16-00015-P exempt Petitions for rehearing of the Order Resetting residential and small non-residential Ecustomers.  To ensure consumer protection for ESCOS.  To ensure consumer protection for ESCOS.	*PSC-06-16-00014-P	exempt	· ·	To consider MEGA's proposed demonstration CCA program.
*PSC-18-16-00014-P exempt Amendments to the Uniform Business Practices of ESCOs.  To ensure consumer protection for ESCOs.  *PSC-18-16-00015-P exempt Petitions for rehearing of the Order Resetting To ensure consumer protections for ESCOs.	*PSC-14-16-00008-P	exempt		To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00015-P exempt Petitions for rehearing of the Order Resetting To ensure consumer protections for ES	*PSC-18-16-00013-P	exempt		To ensure consumer protection for ESCO customers.
	*PSC-18-16-00014-P	exempt		To ensure consumer protection for ESCO customers.
Hetail Energy Markets and Establishing customers.  Further Process.	*PSC-18-16-00015-P	exempt	Retail Energy Markets and Establishing	To ensure consumer protections for ESCO customers.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-18-16-00016-P	exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit cost evaluation.
*PSC-33-16-00001-EP	exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-47-16-00009-P	exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payour losses incurred in 2016.
*PSC-20-17-00008-P	exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action		
PUBLIC SERVICE COMMISSION					
*PSC-34-17-00011-P	exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver		
*PSC-37-17-00005-P	exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.		
*PSC-39-17-00011-P	exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.		
*PSC-42-17-00010-P	exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.		
*PSC-48-17-00015-P	exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.		
*PSC-50-17-00017-P	exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.		
*PSC-50-17-00018-P	exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.		
*PSC-50-17-00019-P	exempt	Transfer of utility property.	To consider the transfer of utility property.		
*PSC-50-17-00021-P	exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.		
*PSC-51-17-00011-P	exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.		
*PSC-04-18-00005-P	exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity.		
*PSC-05-18-00004-P	exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero- emission electric energy resources.		
*PSC-06-18-00012-P	exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria		
*PSC-06-18-00017-P	exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity		
*PSC-07-18-00015-P	exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.		
*PSC-11-18-00004-P	exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.		
*PSC-13-18-00015-P	exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.		
*PSC-13-18-00023-P	exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.		

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-14-18-00006-P	exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	exempt	Whether to impose consequences on Aspirity for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero- emission electric energy resources.
*PSC-28-18-00011-P	exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
*PSC-34-18-00016-P	exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-42-18-00011-P	exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-47-18-00008-P	exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
*PSC-01-19-00004-P	exempt	Advanced Metering Infrastructure.	To determine whether Niagara Mohawk Power Corporation d/b/a National Grid should implement advanced metering infrastructure.
*PSC-01-19-00013-P	exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	exempt	To test innovative pricing proposals on an optout basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-19-19-00013-P	exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-19-19-00014-P	exempt	Establishment of the regulatory regime applicable to an approximately 124 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 124 MW electric generating facility.
*PSC-20-19-00008-P	exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-20-19-00015-P	exempt	Establishment of the regulatory regime applicable to an approximately 105.8 MW electric generating facility	Consideration of a lightened regulatory regime for an approximately 105.8 MW electric generating facility
*PSC-31-19-00011-P	exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
*PSC-31-19-00013-P	exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-19-00015-P	exempt	Proposed major rate increase in KEDNY's gas delivery revenues by \$236.8 million (13.6% increase in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-19-00016-P	exempt	Proposed major rate increase in KEDLI's gas delivery revenues of approximately \$49.4 million (or 4.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-32-19-00012-P	exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
PSC-34-19-00015-P	exempt	Major electric rate filing.	To consider a proposed increase in RG&E's electric delivery revenues of approximately \$31.7 million (or 4.1% in total revenues).
PSC-34-19-00016-P	exempt	Major gas rate filing.	To consider a proposed increase in RG&E's gas delivery revenues of approximately \$5.8 million (or 1.4% in total revenues).
PSC-34-19-00018-P	exempt	Major electric rate filing.	To consider a proposed increase in NYSEG's electric delivery revenues of approximately \$156.7 million (10.4% in total revenues).
PSC-34-19-00020-P	exempt	Major gas rate filing.	To consider a proposed increase in NYSEG's gas delivery revenues of approximately \$6.3 million (or 1.4% in total revenues).
PSC-36-19-00011-P	exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-38-19-00002-P	exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-39-19-00018-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
PSC-41-19-00003-P	exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
PSC-43-19-00014-P	exempt	Petition for the use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-44-19-00003-P	exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00005-P	exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00006-P	exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00007-P	exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00008-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-19-00009-P	exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-45-19-00012-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-46-19-00008-P	exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
PSC-46-19-00010-P	exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
PSC-48-19-00007-P	exempt	Extension of the State Universal Service Fund.	To continue to provide universal service at a reasonable rate in certain service territories.
PSC-50-19-00004-P	exempt	Petition to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-52-19-00001-P	exempt	SUEZ Water New York Inc.'s acquisition of 100% of Heritage Hills Water Works Corporation's assets.	To determine if the proposed acquisition is in the public interest.
PSC-52-19-00003-P	exempt	Notice of intent to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-52-19-00006-P	exempt	Authorization to defer pension settlement losses.	To address the ratemaking related to the pension settlement losses.
PSC-03-20-00009-P	exempt	Changes to the Utility Energy Registry	To determine appropriate rules for data availability
PSC-04-20-00014-P	exempt	Transfer of the Indian Point site, nuclear waste, and decommissioning and site restoration funds from Entergy to Holtec.	To protect the public interest.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
PSC-05-20-00007-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-06-20-00013-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-06-20-00014-P	exempt	A program for the procurement of Renewable Energy Certificates from existing renewable resources.	To purchase Renewable Energy Certificates and maintain the State's baseline of existing renewable resources.
PSC-06-20-00016-P	exempt	Notice of intent to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-06-20-00017-P	exempt	Petitions for rehearing, reconsideration, clarification and stay of the December 12, 2019 Order.	To determine whether the Commission should grant, deny, or modify the relief sought and actions proposed by Petitioners
PSC-07-20-00008-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-07-20-00010-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-08-20-00003-P	exempt	PSC regulation 16 NYCRR § § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-09-20-00002-P	exempt	Request for waiver of 16 NYCRR 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-09-20-00004-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-09-20-00005-P	exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-09-20-00006-P	exempt	Petition for the use of an electric meter in submetering applications.	Whether to permit the use of the GG electric meter in submetering applications in New York State.
PSC-10-20-00003-P	exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
PSC-10-20-00005-P	exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Family Energy, Inc. should be granted a waiver to offer two "green gas" products to mass market customers.
PSC-11-20-00006-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-11-20-00007-P	exempt	Deferral and recovery of incremental costs and establishment of an extraordinary repair escrow account.	To consider deferring costs related to water main leak repairs for subsequent recovery and establishment of an escrow account.
PSC-11-20-00008-P	exempt	Revisions to the proration tariff language.	To consider revisions to the proration tariff language under Leaf 18.1, 18 61 to 64 and Leaf 69.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
PSC-11-20-00011-P	exempt	Application of the Public Service Law to owners of a proposed 345 kilovolt (kV) transmission line providing wholesale services.	To determine whether to apply a lightened regulatory regime to the owners of a proposed 345 kV transmission line.
PSC-12-20-00008-P	exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
PSC-12-20-00010-P	exempt	Direct Energy, LLC's Green Gas Products.	To consider whether Direct Energy, LLC should be allowed to offer two Green Gas Products to mass market customers.
PSC-13-20-00006-P	exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-15-20-00011-P	exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
PSC-15-20-00012-P	exempt	Tariff filing.	To ensure that the utility provides safe, adequate, and reliable service at just and reasonable rates.
PSC-15-20-00013-P	exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
PSC-15-20-00014-P	exempt	Tariff filing.	To ensure that the utility provides safe, adequate, and reliable service at just and reasonable rates.
PSC-16-20-00003-P	exempt	Proposal to implement a competitive procurement process for participation in mulityear DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00004-P	exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
PSC-16-20-00005-P	exempt	Proposal to implement a competitive procurement process for participation in mulityear DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00006-P	exempt	Proposal to implement a competitive procurement process for participation in mulityear DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00007-P	exempt	Proposed plan to implement a competitive procurement process for participation in mulityear DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00008-P	exempt	Extension of the ESA between New York State Electric & Gas Corporation and Nucor Steel Auburn, Inc.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preference.
PSC-16-20-00009-P	exempt	Proposal to implement a competitive procurement process for participation in mulit-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.

Agency I.D. No. **Expires** Subject Matter Purpose of Action **PUBLIC SERVICE COMMISSION** PSC-16-20-00011-P Proposal to implement a competitive To establish a multi-year and auto-DLM exempt procurement process for participation in mulitprograms that will improve demand response year DLM and auto-DLM programs. program offerings. Partial waiver of the Order Adopting Changes To consider whether Alpha Gas & Electric, LLC PSC-17-20-00008-P .... exempt to the Retail Access Energy Market and should be permitted to offer its Green Gas Establishing Further Process. Program to mass market customers. Proposed filing to provide credits for AMI non-To ensure safe and adequate service at just PSC-17-20-00009-P ..... exempt residential customer sided meters. and reasonable rates charged to customers without undue preferences. PSC-17-20-00010-P Tariff provisions for Non-Firm Demand To consider appropriate tariff provisions for .... exempt non-compliant Non-Firm Demand Response Response service classes. service customers. PSC-17-20-00011-P Tariff provisions for Non-Firm Demand To consider appropriate tariff provisions for . . . . . . . . . . . . exempt Response service classes. non-compliant Non-Firm Demand Response service customers. Tariff provisions for Interruptible and Off-Peak To consider appropriate tariff provisions for PSC-17-20-00012-P ..... exempt Firm Service Gas Customers. non-compliant Interruptible and Off-Peak Firm Gas Customers. PSC-18-20-00012-P ..... exempt The purchase price of electric energy and To revise the price to be paid by the Company capacity from customers with qualifying onunder Service Classification No. 10. for site generation facilities. qualifying purchases of unforced capacity PSC-18-20-00013-P .... exempt Transfer of street light facilities. To consider the transfer of street lighting facilities to the Village of Clyde. To facilitate the relocation of service lines PSC-18-20-00014-P Tariff modifications to reduce customer costs ..... exempt related to relocating customer owned owned by customers from the back of their lots equipment for back-lot service relocations. to the front. PSC-18-20-00015-P Participation of Eligible Telecommunications Commission will consider each petition filed by ..... exempt Carriers (ETCs) in New York State Lifeline an ETCs seeking approval to participate in the NYS Lifeline program. Program. PSC-19-20-00003-P ..... exempt Continued implementation of the Clean To promote and maintain renewable and zero-Energy Standard. emission electric energy resources. Clarification of the Order Adopting Changes to PSC-19-20-00004-P .... exempt To consider whether energy service companies should be permitted to bank RECs to satisfy the Retail Access Energy Market and Establishing Further Process. their renewable energy requirements. Cost recovery associated with Day-Ahead-To provide cost recovery for new DLM PSC-19-20-00005-P ..... exempt DLM and Auto-DLM programs, and programs and prevent double compensation to elimination of double compensation. participating customers. Cost recovery associated with Day-Ahead-To consider revisions to P.S.C. No. 10 -PSC-19-20-00009-P ..... exempt DLM and Auto-DLM programs, and Electricity, and P.S.C. No. 12 - Electricity. elimination of double compensation. Partial waiver of the Order Adopting Changes To consider whether Kiwi Energy NY LLC PSC-21-20-00005-P exempt to the Retail Access Energy Market and should be permitted to offer its Green Gas Products to mass market customers. Establishing Further Process. PSC-21-20-00006-P To consider the transfer of street lighting Transfer of street lighting facilities. .... exempt facilities to the Village of Dryden.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action		
PUBLIC SERVICE COMMISSION					
PSC-21-20-00007-P	exempt	The methodology for the calculation of reactive power demand.	To revise the methodology for the calculation of reactive power demand.		
PSC-21-20-00008-P	exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.		
PSC-21-20-00009-P	exempt	Consideration of the NFG petition to modify Audit Implementation Plans.	To consider if modifying the Audit Implementation Plans are in the public interest.		
PSC-21-20-00010-P	exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Thompson.		
PSC-21-20-00011-P	exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether IGS Energy should be allowed to offer a Carbon-Neutral Gas Product and a Home Warranty Service Product.		
PSC-22-20-00001-EP	exempt	Modifications to electric utility dynamic load management (DLM) demand reduction programs.	To encourage DLM participation in summer 2020 capability period despite uncertainty due to the State Disaster Emergency.		
PSC-22-20-00005-P	exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	To reduce unnecessary waste and disposal of directory listings.		
PSC-22-20-00006-P	exempt	Proposed tariff amendment regarding the billing of customers participating in the Preservation Power Program.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.		
PSC-22-20-00007-P	exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.		
PSC-23-20-00006-P	exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether IDT Energy, Inc. and Residents Energy, LLC should be permitted to offer Green Gas Products in New York.		
PSC-23-20-00007-P	exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether American Power & Gas LLC should be permitted to offer its Green Gas Products to mass market customers.		
PSC-23-20-00008-P	exempt	Disposition of sales tax refund and other related matters.	To consider the appropriate allocation of the sales tax refund proceeds while balancing ratepayer and shareholder interests.		
PSC-23-20-00009-P	exempt	Adjustments to the Non-Firm Revenue Sharing Mechanism.	To adjust the Non-Firm Revenue Sharing mechanism to increase firm customer sharing		
PSC-23-20-00010-P	exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether AmeriChoice Energy should be permitted to offer its Green Gas Products to mass market customers.		
PSC-24-20-00011-EP	exempt	Postponement of a rate increase.	To assist customers in a time of hardship.		
PSC-24-20-00012-EP	exempt	Further postponement of a rate increase and waiver of a tariff rule.	To assist customers in a time of hardship.		
PSC-24-20-00013-EP	exempt	Further postponement of the annual update of the low income discount credits.	To assist customers in a time of hardship.		

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
PSC-24-20-00016-P	exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the NRG Retail Companies should be permitted to offer Green Gas Products in New York.
PSC-24-20-00017-P	exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-24-20-00018-P	exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Atlantic Energy, LLC should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-24-20-00019-P	exempt	Enwave Syracuse LLC and Syracuse Energy Concessionaire LLC's operation and maintenance of the SUSS and muni agreements.	To review a contract to operate, maintain and modernize the SUSS and three municipal road use agreements.
PSC-24-20-00020-P	exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether CenStar Energy, Major Energy Services, and Spark Energy Gas should be permitted to offer Green Gas Products.
PSC-25-20-00009-P	exempt	Petition for the use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-25-20-00010-P	exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
PSC-25-20-00011-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-25-20-00012-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-25-20-00013-P	exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-25-20-00014-P	exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether South Bay Energy Corp. should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-25-20-00015-P	exempt	Staff whitepaper on a Data Access Framework.	To standardize the necessary privacy and cybersecurity requirements for access to energy-related data.
PSC-25-20-00016-P	exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
PSC-25-20-00017-P	exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Marathon Energy should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-25-20-00018-P	exempt	Staff's whitepaper proposing an IEDR.	To collect and integrate a large and diverse set of energy-related information and data on one statewide platform.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action		
PUBLIC SERVICE COMMISSION					
PSC-25-20-00019-P	exempt	A Clean Energy Resources Development and Incentives Program.	To identify and develop renewable energy project sites for competitive auction to private developers.		
PSC-25-20-00020-P	exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.		
PSC-26-20-00004-EP	exempt	Postponement of a rate increase.	To assist customers in a time of hardship.		
PSC-26-20-00005-EP	exempt	Postponement of a rate increase.	To assist customers in a time of hardship.		
PSC-26-20-00006-EP	exempt	Emergency financial relief.	To protect the health, safety and general welfare of low-income customers during the summer months.		
PSC-26-20-00009-P	exempt	Escrow account modification and one-time surcharge.	To determine whether the Company's proposed changes to its Escrow Account and a one time surcharge is in the public interest.		
PSC-26-20-00010-P	exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	The waiver should be considered because directory publishing is temporarily not feasible due to the COVID-19 pandemic.		
PSC-26-20-00011-P	exempt	NYSERDA and Staff whitepaper regarding a clean energy regulatory structure.	To develop a renewable energy program to meet Climate Leadership and Community Protection Act goals.		
PSC-27-20-00003-P	exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.		
PSC-27-20-00004-P	exempt	Tariff modifications to implement programming changes to National Fuel Gas Distribution Corporation's SAP Billing System.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.		
PSC-28-20-00020-P	exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.		
PSC-28-20-00021-P	exempt	Waiver of tariff provisions.	To ensure just and reasonable rates charged to customers without undue preference.		
PSC-28-20-00022-P	exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.		
PSC-28-20-00023-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.		
PSC-28-20-00024-P	exempt	Notice of intent to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.		
PSC-28-20-00025-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.		
PSC-28-20-00026-P	exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act.	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals.		

Agency I.D. No. **Expires** Subject Matter Purpose of Action **PUBLIC SERVICE COMMISSION** Partial waiver of the Order Adopting Changes To consider whether the petitioners should be PSC-28-20-00027-P exempt to the Retail Access Energy Market and permitted to offer Green Gas Products to mass Establishing Further Process. market customers in New York. Petition to implement Section 7(5) of the To develop the bulk transmission investments PSC-28-20-00034-P .... exempt Accelerated Renewable Energy Growth and necessary to achieve the Climate Leadership Community Benefit Act and Community Protection Act goals Petition to transfer telephone and cable Consider the proposed transfer of telephone PSC-29-20-00007-P ..... exempt systems, franchises and assets. and cable systems, franchises and assets. PSC-29-20-00008-P ..... exempt Modification to the Commission's Electric To consider revisions to the Commission's Safety Standards. Electric Safety Standards. PSC-29-20-00009-P Niagara Mohawk Power Corporation d/b/a To consider modifications to Niagara Mohawk .... exempt National Grid's economic development Power Corporation d/b/a National Grid's economic development assistance programs. programs. Petition for waiver of the requirements of To consider the petition of Opportunities for PSC-29-20-00011-P ..... exempt Opinion No. 76-17 and 16 NYCRR Part 96 Broome, Inc for waiver of Opinion No. 76-17 regarding individual metering of living units. and 16 NYCRR Part 96. PSC-29-20-00012-P Notice of intent to submeter electricity. To ensure adequate submetering equipment ..... exempt and consumer protections are in place. PSC-29-20-00013-P ..... exempt Transfer of street lighting facilities. To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction. To determine whether to authorize the transfer PSC-29-20-00014-P ..... exempt Transfer of street lighting facilities. of street lighting facilities and the proper accounting for the transaction. PSC-29-20-00015-P Transfer of street lighting facilities. To determine whether to authorize the transfer .... exempt of street lighting facilities and the proper accounting for the transaction. Petition to submeter electricity and request for ..... exempt To ensure adequate submetering equipment, PSC-30-20-00006-P waiver of 16 NYCRR § 96.5(k)(3). consumer protections and energy efficiency protections are in place. To ensure safe and adequate service at just PSC-30-20-00007-P ..... exempt Tariff modifications to include provisions to enter into negotiated agreements for billing and reasonable rates charged to customers without undue preferences. services. PSC-31-20-00003-P To consider the petition of National Fuel Gas ..... exempt Authority to issue and sell promissory notes. Distribution Corporation to issue up to \$300 million in promissory notes. PSC-31-20-00004-P ..... exempt Submetering of electricity. To ensure adequate submetering equipment and consumer protections are in place. PSC-31-20-00005-P ..... exempt Changes to PSL Section 66-p relating to To establish provisions as necessary to billing information for residential rental effectuate PSL Section 66-p. premises. PSC-31-20-00006-P Authority to issue and sell Long-Term To consider RG&E's request for authority to ..... exempt issue and sell Long-Term Indebtedness Indebtedness, Preferred Stock, Hybrid Securities and to enter into derivative instruments.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action		
PUBLIC SERVICE COMMISSION					
PSC-31-20-00007-P	exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.		
PSC-31-20-00008-P	exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.		
PSC-31-20-00009-P	exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Kiwi Energy NY LLC should be permitted to offer its Kiwi Guard product to mass market customers in New York.		
PSC-31-20-00010-P	exempt	Submetering of electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.		
PSC-31-20-00011-P	exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.		
PSC-32-20-00009-P	exempt	Transfer of street light facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.		
PSC-32-20-00010-P	exempt	Procurement of Tier 1 RECs.	Management of renewable energy procurements to meet state goals and benefit ratepayers.		
PSC-32-20-00011-P	exempt	Sale of transmission line and related property rights.	To determine whether to authorize the transfer of a 1.42 mile transmission line and the proper accounting for the transaction.		
PSC-32-20-00012-P	exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.		
PSC-32-20-00013-P	exempt	Authorization for RED-Rochester, LLC to incur indebtedness of up to \$200 million.	To ensure that the proposed debt financing is within the public interest.		
PSC-32-20-00014-P	exempt	The term for retention of a monetary crediting methodology.	To provide sufficient revenues to support financing, realize promised benefits from the project, and repay necessary re-work.		
PSC-32-20-00015-P	exempt	Petition for waiver of the requirements of 16 NYCRR Part 96 regarding individual metering of living units.	To consider the petition of St. Paul's Center to master meter and for waiver of 16 NYCRR Part 96.		
PSC-32-20-00016-P	exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.		
PSC-32-20-00017-P	exempt	Transfer of street light facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.		
STATE, DEPARTM	ENT OF				
DOS-26-20-00008-P	07/01/21	Creation of a cease and desist zone within Kings County	To adopt a cease and desist zone for a designated area within Kings County		

#### **Action Pending Index**

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE UNIVERSIT	TY OF NEW YORK		
SUN-53-19-00002-P	12/30/20	Proposed amendments to the traffic and parking regulations at State University of New York College at Old Westbury	Amend existing regulations to update traffic and parking regulations
SUN-53-19-00005-P	12/30/20	Proposed amendments to the traffic and parking regulations at State University Agricultural and Technical College at Morrisville	Amend existing regulations to update traffic and parking regulations
SUN-28-20-00028-EP	07/15/21	Tuition, Fees and Charges	To authorize the waiver of admission application fees for active-duty military service members and their dependents.
SUN-29-20-00004-EP	07/22/21	State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY	To modify limitations formula for basic State financial assistance and remove an operating support "floor"
SUN-29-20-00005-EP	07/22/21	Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees	To postpone voting on student activity fees and elections of Student Assembly representatives and officers until Fall 2020
STATEN ISLAND	RAPID TRANSIT OF	PERATING AUTHORITY	
SIR-20-20-00003-EP	05/20/21	The conduct and safety of the public in the use of terminals, stations and trains operated by Staten Island Rapid Transit Auth	To safeguard the public health and safety by amending rules concerning appropriate and safe use of terminals and stations.
TAXATION AND F	INANCE, DEPARTM	ENT OF	
TAF-02-20-00001-EP	01/14/21	Property tax levy limits for school districts in relation to certain costs resulting from capital local expenditures	To implement Education Law 2023-a relating to certain costs resulting from capital local expenditures of school districts
TAF-21-20-00004-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.	To set the sales tax component and the composite rate per gallon for the period July 1, 2020 through September 30, 2020.
TEMPORARY AND	D DISABILITY ASSIS	STANCE, OFFICE OF	
TDA-16-20-00012-P	04/22/21	New York State Combined Application Project (NYSCAP)	To implement the NYSCAP, a new combined application project for recipients of Supplemental Security Income benefits, who have been designated as Live-Alone by the Social Security Administration and the Statefunded SSI State Supplement Program
TDA-26-20-00007-P	07/01/21	Supplemental Security Income (SSI) Additional State Payments	To clarify who participates, the intended uses for benefits, that benefits won't be issued once a death is verified, time frames to report and circumstances when underpayment/retroactive benefits will issue, and NYS operates SSP under State rules
THRUWAY AUTHO	ORITY, NEW YORK	STATE	
THR-01-20-00003-P	01/07/21	Toll rate adjustments on the New York State Thruway system.	To provide for toll rate adjustments necessary to support the Authority's financial obligations.

10 16 Register/August 12, 2020			Action I chaing mack
Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TRIBOROUGH BE	RIDGE AND TUNNEI	_ AUTHORITY	
TBA-26-20-00001-P	exempt	A proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA	To provide for the implementation of split tolling at TBTA's Verrazzano-Narrows Bridge as required by federal law

#### **WORKERS' COMPENSATION BOARD**

WCB-37-19-00002-P	09/10/20	Applications for Reopenings	Clarify the process for reopening a case that has been previously closed
WCB-23-20-00001-P	06/10/21	Submission of medical bills and reports	To allows the single mailing address and format prescribed by the chair for submission of bills and medical reports
WCB-23-20-00002-P	06/10/21	Medical Treatment Guidelines	Repeal carpal tunnel syndrome MTG and replace with hand,wrist, and forearm, and add asthma
WCB-23-20-00004-P	06/10/21	EDI system updates	To require carriers to report certain credits taken for payments to claimants; biannual reports; EDI 3.1 updates
WCB-28-20-00003-EP	07/15/21	Adding COVID-19 diagnosis by a health care provider as a serious health condition for purposes of Paid Family Leave	To clarify that employees may take PFL to care for a family member with COVID-19

## ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

#### SEALED BIDS

#### REPLACE

**ROOF** 

Montrose Veterans Home Montrose, Westchester County

Sealed bids for Project No. Q1797-C, comprising a contract for Construction Work, Replace Roof, Montrose Veterans Home, 2090 Albany Post Road, Montrose (Westchester County) NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Health, until 2:00 p.m. on Wednesday, August 26th, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$27,800 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: http://www.ogs.ny.gov/aboutOGS/ regulations/defaultAdvisoryCouncil.html

The substantial completion date for this project is 260 days after the Agreement is approved by the Comptroller.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder

provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

- X Project commenced design before January 1, 2020. Not subject to provision.
- Project commenced design on or after January 1, 2020. Subject to provision.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

By John D. Lewyckyj, Deputy Director OGS - Design & Construction Group

#### **REHABILITATE**

EXTERIOR HEATING SYSTEM STANCHION SUPPORTS
Gouverneur Correctional Facility
Gouverneur, St. Lawrence County

Sealed bids for Project No. M3108-H, comprising a contract for HVAC Work, Rehabilitate Exterior Heating System Stanchion Supports, Gouverneur Correctional Facility, 112 Scotch Settlement Road, Gouverneur (St. Lawrence County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C),

Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Correctional Services, until 2:00 p.m. on Wednesday, August 26th, 2020, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$77,700 for H).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$2,000,000 and \$3,000,000 for H.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: http://www.ogs.ny.gov/aboutOGS/ regulations/defaultAdvisoryCouncil.html

The substantial completion date for this project is 623 days after the Agreement is approved by the Comptroller.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

X Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020.

Subject to provision.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call  $(518)\,474-0203$ .

For additional information on this project, please use the link below and then click on the project number: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

By John D. Lewyckyj, Deputy Director OGS - Design & Construction Group

#### REPLACE/PROVIDE ROOFS/EXTERIOR STAIRS Brookwood Secure Center Claverack, Columbia County

Sealed bids for Project Nos. 45319-C and 45319-E, comprising separate contracts for Construction Work and Electrical Work, Replace Roofs and Provide Exterior Stairs, Brookwood Secure Center, 419 Spook Rock Road, Claverack (Columbia County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Children and Family Services, until 2:00 p.m. on Wednesday, August 12th, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$57,700 for C and \$1,700 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C, and between \$0 and \$25,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: http://www.ogs.ny.gov/aboutOGS/ regulations/defaultAdvisoryCouncil.html

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

- X Project commenced design before January 1, 2020. Not subject to provision.
- Project commenced design on or after January 1, 2020. Subject to provision.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 398 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

By John D. Lewyckyj, Deputy Director OGS - Design & Construction Group

### PROVIDE SUB-HEADQUARTERS BUILDING East Fishkill East Fishkill, Dutchess County

Sealed bids for Project Nos. 45552-C, 45552-H, 45552-P and 45552-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Provide Sub-Headquarters Building, East Fishkill, 205 Lime Kiln Rd. (Off I-84 Exit 15), East Fishkill (Dutchess County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, August 26, 2020, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$192,500 for C, \$43,500 for H, \$24,300 for P, and \$32,200 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$7,000,000 and \$8,000,000 for C, between \$1,000,000 and \$2,000,000 for H, between \$500,000 and \$1,000,000 for P, and between \$500,000 and \$1,000,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: http://www.ogs.ny.gov/aboutOGS/ regulations/defaultAdvisoryCouncil.html

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

- X Project commenced design before January 1, 2020. Not subject to provision.
- Project commenced design on or after January 1, 2020. Subject to provision.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who can-

not meet these provisions may be subject to disqualification and for-feiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 626 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for construction Work, HVAC Work, Plumbing Work and Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

By John D. Lewyckyj, Deputy Director OGS - Design & Construction Group

#### REHABILITATE ELEVATOR

Upstate University Hospital - Community Campus Syracuse, Onondaga County

Sealed bids for Project Nos. 45903-C, 45903-E, 45903-H and 45903-U, comprising separate contracts for Construction Work, HVAC Work, Elevator Work and Electrical Work, Rehabilitate Elevator, Physician Office Building, Upstate University Hospital - Community Campus, 4900 Broad Rd, Syracuse (Onondaga County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of SUNY Upstate Medical University, until 2:00 p.m. on Wednesday, August 26th, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$16,500 for C, \$5,800 for E, \$3,800 for H, and \$36,100 for U).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$100,000 and \$250,000 for C, between \$50,000 and \$100,000 for E, between \$25,000 and \$50,000 for H, and between \$500,000 and \$1,000,000 for U.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: http://www.ogs.ny.gov/aboutOGS/ regulations/defaultAdvisoryCouncil.html

The substantial completion date for this project is 687 days after the Agreement is approved by the Comptroller.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

X Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020.

Subject to provision.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for construction Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the

Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

By John D. Lewyckyj, Deputy Director OGS - Design & Construction Group

### REHABILITATE RESTROOMS/LOCKER ROOMS

State Armory Buffalo, Erie County

Sealed bids for Project Nos. 46221-C, 46221-E, 46221-H and 46221-P, comprising separate contracts for Construction Work, Electrical Work, HVAC Work, and Plumbing Work, Rehabilitate Restrooms & Locker Rooms, State Armory, 27 Masten Avenue, Buffalo (Erie County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, August 12, 2020, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$27,300 for C, \$14,200 for E, \$16,000 for H, and \$15,600 for P).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C, between \$100,000 and \$250,000 for E, between \$100,000 and \$250,000 for H, and between \$100,000 and \$250,000 for P.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: http://www.ogs.ny.gov/aboutOGS/ regulations/defaultAdvisoryCouncil.html

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of

construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

X Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020.
Subject to provision.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 468 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and HVAC Work and an overall goal of 20% for MWBE participation, 10% for Minority-Owned Business Enterprises ("MBE") participation and 10% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical and Plumbing Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

By John D. Lewyckyj, Deputy Director OGS - Design & Construction Group

# MISCELLANEOUS NOTICES/HEARINGS

#### Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311 or visit our web site at: www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

#### **PUBLIC NOTICE**

#### Department of Health

In July 1997, New York State (the "State") received approval from the Centers for Medicare and Medicaid Services ("CMS") for its "Partnership Plan" Medicaid Section 1115 Demonstration (the "1115 Demonstration"). In implementing the 1115 Demonstration, the State sought to achieve the following goals:

- Improve access to health care for the Medicaid population;
- Improve the quality of health services delivered;
- Expand access to family planning services; and
- Expand coverage to additional low-income New Yorkers with resources generated through managed care efficiencies.

The primary purpose of the Demonstration was to enroll a majority of the State's Medicaid population into managed care, and to use a managed care delivery system to deliver benefits to Medicaid recipients, create efficiencies in the Medicaid program and enable the extension of coverage to certain individuals who would otherwise be without health insurance.

The Partnership Plan Demonstration was originally authorized for a five-year period and has been extended several times. The 1115 Demonstration was last renewed by CMS on December 7, 2016 and, at the time of renewal, the name of 1115 Demonstration was changed from the Partnership Plan to the New York Medicaid Redesign Team ("MRT") Waiver. Since the MRT Waiver's renewal, this waiver has been amended to reflect programmatic needs. Under the waiver, the State is required to seek Federal approval of any amendments.

The New York State Department of Health ("NYSDOH") is requesting following amendments as a result of actions approved in the New York State enacted budget for State Fiscal Year 2020-2021, which followed from the recommendations of the Medicaid Redesign Team II ("MRT II"). This provision will further the State's goals to increase efficiencies across delivery systems and promote optional enrollment in New York's integrated products for the dual eligible population.

Change in Enrollment Eligibility Criteria for Managed Long Term Care

NYSDOH is seeking to amend the MRT Waiver to add the following enrollment eligibility criteria for Managed Long Term Care ("MLTC") plans:

- To implement criteria that dual eligible Medicaid beneficiaries individuals in Managed Long Term Care products who require Community-Based Long Term Care Services ("CBLTCS") for a continuous period of more than 120 days must have performance needs in more than two activities of daily living ("ADL") of limited assistance or greater (ranging from limited assistance to total dependence); and if a diagnosis of Dementia or Alzheimer's present, needing at least supervision with more than one ADL as measured by the Community Health Assessment.
- Both components of this request will allow the State to continue its existing delivery system transformation efforts, increase efficiencies across delivery systems, and maintain quality care services for those with long term care needs.

New York will not apply the new MLTC enrollment eligibility criteria to individuals who have been continuously enrolled prior to January 1, 2021.

Voluntary Alignment of Medicare & Medicaid Services

NYSDOH is seeking to allow voluntary enrollment to align Medicare and Medicaid services for the following dual eligible population:

- To allow individuals dually eligible for Medicare and Medicaid services and who do not meet the CLBTCS requirements needed to enroll in an MLTC plan (i.e., "well duals") who voluntarily enroll in a Medicare D-SNP with an affiliated and qualified Mainstream Medicaid Managed Care ("MMMC") plan to be voluntarily enrolled in the same MMMC plan through an exemption for this specific dual eligible population
- If the eligible individual chooses to enroll into a Medicare Advantage product that is not a D-SNP or Medicare fee-for-service, then the individual will be disenrolled from the MMMC plan into Medicaid fee-for-service.

NYSDOH will ensure that all beneficiaries understand how to access their Medicare and Medicaid services under the fee-for-service and managed care delivery systems.

MLTC plans will continue to provide the same services to individuals in need of CBLTCS under the amended enrollment eligibility criteria. The MMMC plan benefit package will similarly not change. Therefore, no changes to budget neutrality per member, per month (PMPM) costs are projected and the state anticipates that the overall savings for the MLTC plan enrollment eligibility amendment will be \$4.9M and will impact 4,700 members.

A draft of the proposed amendment is available for review at https://www.health.ny.gov/health\_care/medicaid/redesign/mrt2/proposals/index.htm

Written comments will be accepted at: 1115waivers@health.ny.gov or by mail at: Department of Health, Office of Health Insurance Programs, Waiver Management Unit, 99 Washington Ave., 7th Fl. (Suite 720), Albany, NY 12210

All comments must be postmarked or emailed by 30 days of the date of this notice.

#### PUBLIC NOTICE

Department of State F-2020-0233

Date of Issuance - August 12, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-0233 the applicant, Mary Hovey, is proposing to install 120 linear feet of low sill vinyl bulkhead with 8" piles, a 23' return on west end, an 8' return at east end, and regrading bank to 1:2 slope, backfilled with 30 cubic yards and rip rap along the bank. This project is located at 4500 Ole Jule Lane, Town of Southold, Suffolk County, James Creek.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0233.pdf

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

• Town of Southold Local Waterfront Revitalization Program: https://www.dos.ny.gov/opd/programs/lwrp.html

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or September 11, 2020.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

#### PUBLIC NOTICE

Department of State F-2020-0236

Date of Issuance - August 12, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-0236 the applicant, Maria Ulmet, is proposing to install 119 linear feet of low sill vinyl bulkhead with 8" piles, 8' returns at each end, and regrading bank to 1:2 slope, backfilled with 30 cubic yards and rip rap along the bank. This project is located at 4600 Ole Jule Lane, Town of Southold, Suffolk County, James Creek.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0236.pdf

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

• Town of Southold Local Waterfront Revitalization Program: https://www.dos.ny.gov/opd/programs/lwrp.html

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or September 11, 2020.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

#### PUBLIC NOTICE

Department of State F-2020-0246

Date of Issuance – August 12, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-0246 the applicant, Robert Krudop, is proposing to install 131 linear feet of low sill vinyl bulkhead with 8" piles, 8' return at south end, and regrading bank to 1:2 slope, backfilled with 50 cubic yards and rip rap along the bank. This project is located at 4650 Ole Jule Lane, Town of Southold, Suffolk County, James Creek.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0246.pdf

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

• Town of Southold Local Waterfront Revitalization Program: https://www.dos.ny.gov/opd/programs/lwrp.html

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or September 11, 2020.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

#### PUBLIC NOTICE

Department of State F-2020-0477 (DA)

Date of Issuance – August 12, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public in-

formation and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-0477 (DA), The Department of Homeland Security's Plum Island Animal Disease Center is proposing a 10 year hydraulically dredging permit at Orient Point Harbor to an overdredge depth of 16 ft MLW (-17.63 ft NAVD). Spoils will be placed on Orient Point State Park Beach for beach nourishment. The project is located at 40550 Main Road, Orient, NY 11957 on Orient Harbor.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0477(DA)USDHS.pdf

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 10 days from the date of publication of this notice or August 22, 2020.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

#### PUBLIC NOTICE

Department of State F-2020-0478 (DA)

Date of Issuance – August 12, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-0477 (DA), The Department of Homeland Security's Plum Island Animal Disease Center is proposing a 10 year maintenance hydraulically dredging permit on Plum Island Harbor to an over dredge depth of 18 ft below MLW (channel & west harbor) and an over dredge depth of 14 ft MLW (east harbor). Spoils will be placed directly on Pine Point for beach nourishment. The project is located at Plum Island Harbor, Plum Island, Greenport, NY 11944, Suffolk County.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0478(DA)USDHS.pdf

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 10 days from the date of publication of this notice or August 22, 2020.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

#### PUBLIC NOTICE

Department of State F-2020-0540

Date of Issuance - August 12, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities

described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2020-0540 or the "East River Esplanade Rehabilitation East 90th to East 94th Street", the applicant New York City Department of Parks and Recreation, is proposing to repair East River Esplanade through structural encasement of deteriorated piles, epoxy encapsulation of the remaining piles, mass encasements of the inshore piles that are inaccessible, expansion joints repairs, replacement of severe timber pile caps, removal of severe timber line and replacement with recycled plastic lumber; in-kind granite fascia panel replacement and reinforced concrete seawall spall repairs.. The project is located at East 90th Street to East 94th Street, Manhattan, New York County, Fast River

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0540\_ERE\_90thSt\_App.pdf

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or September 11, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

#### PUBLIC NOTICE

Department of State F-2020-0541

Date of Issuance – August 12, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2020-0541 or the "East River Esplanade Rehabilitation East 62nd to East 64th Street", the applicant New York City Department of Parks and Recreation, is proposing to repair East River Esplanade through replacement and rehabilitation of low-level platforms, structural pile and epoxy jacket encasements, mass encasements, a platform, the removal of severe timber line caps and replacement with recycled plastic lumber; in-kind granite fascia panel replacement and reinforced concrete seawall spall repairs. The project is located at East 62nd Street to East 64th Street, Manhattan, New York County, East River

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0541\_ERE\_62ndSt\_App.pdf

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or September 11, 2020.

Comments should be addressed to: Consistency Review Unit,

Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

#### PUBLIC NOTICE

Department of State F-2020-0542

Date of Issuance – August 12, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2020-0542 or the "East River Esplanade Rehabilitation East 114th to East 117th Street", the applicant New York City Department of Parks and Recreation, is proposing to repair East River Esplanade through reconstruction and rehabilitation of low-level platforms, structural pile and epoxy jacket encasements, mass encasements beneath a platform, and bulkhead repairs. Please refer to the project narrative for additional information. The project is located at East 114th Street to East 117th Street, Manhattan, New York County, East River

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0542\_ERE\_114thSt\_App.pdf

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or September 11, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

#### PUBLIC NOTICE

Department of State F-2020-0572 (DA)

Date of Issuance – August 12, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-0572 (DA), The Environmental Protection Agency and Department of Defense proposed performance standards for the 11 Uniform National Discharge Standards. The U.S. Environmental Protection Agency (EPA) and the U.S. Department of Defense (DoD) are promulgating discharge performance standards for 11 discharges

incidental to the normal operation of a vessel of the Armed Forces in the navigable waters of the United States, the territorial seas, and the contiguous zone. When implemented, the discharge performance standards will reduce the adverse environmental impacts associated with the vessel discharges, stimulate the development of improved vessel pollution control devices, and advance the development of environmentally sound vessels of the Armed Forces. The Proposed Rule 40 CFR Part 1700 was published in July 2020 and can be found at: https://www.govinfo.gov/content/pkg/FR-2020-07-17/pdf/2020-12571.pdf

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice or August 27, 2020.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

#### PUBLIC NOTICE

Department of State F-2020-0585

Date of Issuance – August 12, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2020-0585 or the "JFK Airport Waterside Transloading Facility", the applicant KTEX, LLC, is proposing to construct a waterside transloading facility consisting of a series of roll on/roll off platforms of floating barges along the east shore of Bergen Basin. These platform barges will be installed by use of spuds in approximately 10-15 feet of water at Mean Lower Low Water. Hopper barges for materials import and export will be brought to and from the site by tugboats. The project is located at JFK Airport, Queens County, Bergen Basin.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0585\_JFK\_wtrsd\_trnsldg\_app.pdf

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or September 11, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

#### PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons

wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2020-0331 Matter of David Nava, 565 Kell Place, Seaford, NY 11783, for a variance concerning safety requirements, including the height under a girder. Involved is an existing one family dwelling located at 565 Kell Place, Seaford, Town of Hempstead, NY 11783, County of Nassau, State of New York.